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**SECOND REPORT SUBMITTED BY ROMANIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## INTRODUCTION

After the start of the democratic changes in 1989, Romania, like almost all the other countries in the region, was faced with inherent challenges in the field of human rights. Consequently, during the last 15 years, Romania made significant efforts aimed at legislative harmonisation, implementation, respect and observance of the human rights issues, in conformity with the country's new, democratic, Constitution.

The amended legislation, in close connection and shaped according to the international treaties on human rights, improved the state practices, and founded in a positive and rational manner the new institutions.

The civil society plays a major role in the conception of our country's policies, offering support and expertise: it is frequently consulted, in such a way that the representatives of different groups and minorities can express their wishes and advance solutions (see also Appendix 3 of the Report, for the opinions of national minorities).

Given the inextricable linkage between national culture and cultural identity, Romania undertakes permanently the task of providing full guarantees of the individual rights and freedoms of persons belonging to national minorities.

The protection of the ethnic, religious and linguistic identity is one of the many consolidated gains of the transition period. The Romanian Constitution takes into account the ethnic, religious and linguistic diversity existing in the state, and various institutions are tackling minority-related issues, in order to guarantee our future as a democratic, pluralist and sovereign state in an united Europe.

### **Representation of the national minorities in the political life at central and local levels**

#### **Minority parties**

There are no minority parties in Romania but the organisations of national minorities can participate to the election process and, in this case, they are assimilated to political parties (according to Article 4 para. 2 of Election Law no.68/2000).

Concerning the political participation of the national minorities in the local elections, the **Law for the election of local public administration authorities adopted in 2004 states as follows**: Art. 7 (1) Within the meaning of the present law, national minority means that ethnic group which is represented in the National Minorities Council. (2) Candidatures may be put forward by the organisations of the citizens belonging to national minorities represented in the Parliament. (3) Candidatures may also be put forward by other lawfully established organisations of the citizens belonging to national minorities, that shall submit a members' list to the Central Election Bureau. The number of members may not be less than 15% of the total number of citizens who, at the latest census have declared they belonged to that minority. (4) If the number of members needed for meeting the requirements of paragraph (3) exceeds 25,000 persons, the members list shall include at least 25,000 persons residing in at least 15 counties and in Bucharest, but not less than 300 persons for each of those counties and for the Bucharest Municipality. Art. 8 - The organisations stipulated under art. 7 may participate in

the election and submit candidates' list only under the denomination and the electoral sign of that organisation.

**The same provisions shall apply for the parliamentary elections, according to the Law on parliamentary elections no. 373 of september 2004.**

### **Parliamentary representation**

#### **a) Reserved seats in Parliament**

According to article 62 para. 2 of Romanian Constitution, republished, „the organizations of the citizens belonging to a national minority, 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. According to Article 4 para. 2 of the Election Law no. 373/2004 “ the organizations of the citizens belonging to a national minority legal established, which didn't obtain in election at least a deputy or senator seat, have the right, together, to a deputy seat if they obtain, at national level, a number of votes equal with at least 20 % from average number of valid votes that are necessary for gain a deputy seat”

#### **b) Seats gained by political parties representing minorities**

**After the 2000 elections**, the organizations of national minorities which have participated to the electoral process being assimilated to political parties, according to Article 4 para. 2 of Election Law no.68/2000, have obtained the following results:

- **The Association The League of the Albanians from Romania - 1 deputy seat**
- **The Armenian Union from Romania- 1 deputy seat**
- **The Bulgarian Community from Banat from Romania - 1 deputy seat**
- **The Union of Croats from Romania -1 deputy seat**
- **The Hellenic Union from Romania - 1 deputy seat**
- **The Federation of the Jewish Communities - 1 deputy seat**
- **The Democratic Forum of the Germans from Romania - 1 deputy seat**
- **The Italian Community from Romania - 1 deputy seat**
- **The Democratic Alliance of Hungarians - 25 deputy seats and 11 senator seats**
- **The “Dom Polski” Union of the Polish from Romania - 1 deputy seat**
- **The Social-Democratic Party of Roma- 1 deputy seat**
- **The Community of the Russians Lippovans from Romania - 1 deputy seat**
- **The Union of the Serbs from Romania - 1 deputy seat**
- **The Democratic Union of the Slovaks and Czechs from Romania- 1 deputy seat**
- **The Democratic Union of the Turk-Muslim Tartars - 1 deputy seat**
- **The Democratic Turkish Union from Romania - 1 deputy seat**
- **The Union of the Ukrainians from Romania - 1 deputy seat**
- **The Cultural Union of Rutheniens from Romania - 1 deputy seat**
- **The Association of the Macedonians - 1 deputy seat**

**After the 2004 elections**, the organizations of national minorities which have participated to the electoral process being assimilated to political parties, according to Article 4 para. 2 of Election Law no.373/2004, have obtained the following results:

- **The Democratic Alliance of Hungarians - 22 deputy seats**

- **All the other national minorities - 18 deputy seats (one for each minority)**
- **The Democratic Alliance of Hungarians - 10 senator seats**

### **Parliamentary committees or subcommittees on minorities**

Both the Senate and the Chamber of Deputies have a Parliamentary Committee for human rights, denominations and minorities. After the 2004 general elections, the Senate Committee for Human Rights, Denominations and Minorities is chaired by Mr. Giorgy Frunda (Democratic Alliance of Hungarians), and the Chamber Committee is chaired by Mr. Nicolae Paun (minorities group).

### **Governmental representation**

Following the general elections of 2004, the Democratic Alliance of Hungarians (UDMR) was co-opted in the governing coalition, according to a Protocol of political co-operation. In this context, Mr. Marko Bella, the president of UDMR was appointed State Minister in charge with coordination of the activities in the field of culture, education and European integration. The Democratic Alliance of Hungarians obtained also two secretaries of state, of the Department for Interethnic Relations (DRI) and the National Council for Preventing and Fighting Discrimination (CNCD).

### **Local participation of national minorities in the decision making process**

After June 2004 local election, the organizations of national minorities have obtained the following results:

Total number of **Mayor** seats

<b>No</b>	<b>Organization's name</b>	<b>No.of seats</b>
<b>1.</b>	<b>The Democratic Alliance of Hungarians</b>	<b>186</b>
<b>2.</b>	<b>The Democratic Forum of the Germans</b>	<b>9</b>
<b>3.</b>	<b>The Union of the Ukrainians</b>	<b>2</b>
<b>4.</b>	<b>The Bulgarian Community from Banat</b>	<b>1</b>
<b>5.</b>	<b>The Union of Croats</b>	<b>1</b>
<b>6.</b>	<b>The Community of the Russians Lippovans</b>	<b>1</b>

Total number of **Local Counselors** seats

<b>No</b>	<b>Organization's name</b>	<b>No.of seats</b>
<b>1.</b>	<b>The Democratic Alliance of Hungarians</b>	<b>2 481</b>
<b>2.</b>	<b>Social-Democratic Party of Roma</b>	<b>189</b>
<b>3.</b>	<b>The Democratic Forum of the Germans</b>	<b>96</b>
<b>4.</b>	<b>The Democratic Union of the Slovaks and Czechs</b>	<b>20</b>
<b>5.</b>	<b>The Union of the Ukrainians</b>	<b>29</b>
<b>6.</b>	<b>The Community of the Russians Lippovans</b>	<b>21</b>
<b>7.</b>	<b>The Union of the Serbs</b>	<b>11</b>
<b>8.</b>	<b>The Union of Croats</b>	<b>6</b>

9.	<b>The Bulgarians Union from Banat</b>	<b>5</b>
10.	<b>The Democratic Union of the Turk-Muslim Tartars</b>	<b>3</b>
11.	<b>The “Dom Polski” Union of the Polish</b>	<b>2</b>

Total number of County **Counsellors** seats

No	Organization’s name	No.of seats
1.	<b>The Democratic Alliance of Hungarians</b>	<b>112</b>
2.	<b>The Democratic Forum of the Germans</b>	<b>11</b>

## SECTION I

**Practical arrangements made at national level for following up the results of the first monitoring cycle on the implementation of the Framework Convention**

### **INSTITUTIONAL FRAMEWORK, GOVERNMENTAL FUNDING OF THE MINORITIES ORGANIZATIONS, EDUCATION**

#### **1. Introduction, the Department for Inter-Ethnic Relations (DIR)**

Changes in the institutional structures specialized in issues related to national minorities were performed after the general elections that took place at the end of 2000. Thus, the former Department for the Protection of National Minorities, which operated between 1997-2001, was reorganized. In the Government Decision no. 13/2001 concerning the organization and functioning of the Ministry of Public Information, it was established that the entire structure and the tasks of the former department be transferred to the *Department for Inter-ethnic Relations* within the ministry mentioned above.

Ordinance 64/2003, published in the Official Gazette no. 464 of June 26, 2003, regulates the measures to be taken regarding the establishing, management and restructuring or functioning of certain structures within government, ministries, other specialized bodies of central administration and public institutions. According to provisions in article 2, paragraph 1, letter e) of the above mentioned normative act, **the Department for Inter-Ethnic Relations is established as a structure without legal personality, subordinated to the Prime Minister** and coordinated by the General Secretariat of the Government and takes over the activity regarding national minorities from the former Ministry of Public Information.

According to the Emergency Ordinance 11/2004 on setting the measures for the re-organization of central public administration, published in the Official Bulletin 266/2004, **the Department for Interethnic Relations (DIR) took on responsibility for the Office for Roma Issues**, including the PIU of PHARE Programme RO/2002/000-586.01.02 on *Assistance for National Strategy for Improvement of Roma Situation*, **from the General Secretariat of the Government**. This measure comes to support the institutional building measures for national minorities with more coherence and unity.

The structure and main responsibilities of the Department of Inter-Ethnic Relations (DIR) are listed in Government’s Decision no. 749 amended, as published in the Official Gazette 488 of July 7, 2003. A Secretary of State, Mr. Cristian Jura, assisted by three Undersecretaries of

State, representing the Hungarian, the German and, respectively, the Roma minorities, supervised and co-coordinated the activity of the Department.

In this context DIR focused on promoting and developing programmes aiming at guaranteeing, preserving, expressing, promoting and developing the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities.

To achieve its purposes, DIR establishes and maintains the co-operation with the Council of National Minorities – advisory body of the Government including 19 minority NGOs – as well as with each of the organizations of citizens belonging to national minorities that are members in the Council, by offering them financial support and consultancy. Also, DIR establishes and maintains co-operation activities with governmental and non-governmental bodies with activity in the field of minorities and combating discrimination on ethnic grounds from Romania and abroad.

According to the provisions of GD 749/2003, DIR holds various other responsibilities, such as: requesting data and information necessary for its activity from public authorities; supporting scientific research in inter-ethnic relations by co-operating with bodies and institutions specialized in this field.

### **Latest developments**

The Governmental Emergency Ordinance no. 78 from 07/10/2004, published in the Official Gazette no. 969 from 21/10/2004, established the National Agency for Roma. The Agency is a public institution with legal personality, subordinated to the Government. It took over the attributions of the Office for Roma Issues within the Department for Inter-Ethnic Relations, including the Phare Implementation Unit no. RO/2002/000-586.01.02 – “Support for the national strategy for improving the condition of Roma”. The Agency is managed by a president, with the rank of secretary of state. The president of the National Agency for Roma is Mr. Ilie Dinca.

Following the Prime Minister's Decision no. 66 from 17th of January 2005, Mr. Markó Attila was appointed Secretary of State at the Department for Inter-Ethnic Relations. Representative of the Hungarian Democratic Alliance of Romania, Mr. Marko is 36 years old, he is a legal adviser and he previously held the position of Undersecretary of State at the same Department.

The priorities concerning the orientation of the Department's activity are as follows:

- the promotion of a law concerning the statute of the national minorities;
- the ratification of the European Charter for Regional or Minority Languages, juridical instrument of the Council of Europe;
- close surveillance of the enforcement of the regulations concerning the rights of persons belonging to national minorities living in Romania, provisions contained in the present legislation;
- the promotion of Romania's ethnic and cultural diversity by orienting the Department's activity towards important programs.

Mr. Zeno Karl Pinter, representative of the Democratic Forum of Germans from Romania, was appointed as Undersecretary of State at the Department for Inter-Ethnic Relations on the 18th of January 2005.

In March 2005, the Government approved a new Decision on the organization and functioning of DRI

### **DIR Budget 2005**

In the Governmental Meeting held on the 3rd of February the Decision concerning the endorsement of the distribution and use of the amounts mentioned in paragraphs a) and b) from the annex no. 3/13/07 at the State Budget Law on 2005 no. 511/2004 was endorsed. The Governmental Decision no. 80/2005 entered into force on the 7th of February 2005, being published in the Official Journal of Romania.

From the total of the amounts mentioned in the State Budget Law on 2005 no. 511/2004, the amounts distributed in order to support the organizations of citizens belonging to national minorities represents more than 264 billion ROL.

The Department for Inter-Ethnic Relations benefits from the amount of 25 billion ROL in order to finance inter-ethnic programs and projects as well as programs to combat intolerance. The theme of the inter-ethnic programs and projects on 2005 will soon be available on the department's website, as well as the new methodology for financing these projects.

### **Policies, measures, programmes developed by the DIR**

#### **2001**

Within the *European Year of Languages – 2001*, Romania organised seminars for teachers, local authorities, published various books, supported theatrical performances, organised youth camps and programmes for children. Worth mentioning is the international seminar “Plurilingualism and education”.

Through the Department for Inter-Ethnic Relations, Romania took part in several programmes developed in the framework of the Stability Pact (Anti-discrimination review, Implementation of existing standards, Improving inter – ethnic relations by bilateral treaties, programmes co-ordinated by the Council of Europe; the Link Diversity Campaign, which attracted numerous proposals for projects and for which a secretariat and a National Organising Committee were created). It is worth mentioning that Romania’s experience in the field of inter-ethnic relations becomes increasingly recognised, not only by countries in the area of the Stability Pact, but also by other European states taking part in the programme. Participation in the Stability Pact was considered to be an important test in Romania’s accession to the EU, even if it did not involve important financing. In this respect, Romania becomes increasingly both a donor country and an expertise provider.

Another concrete line of activity of the Department for Inter-Ethnic Relations consisted in **preventing and combating discrimination**. While supporting the approval by Parliament of Government’s Ordinance 137/ 2000 on preventing and combating all forms of discrimination, representatives of the Department took an active part in the sessions of the Working Committees of the World Conference on Racism, Racial Discrimination, Xenophobia and

Intolerance, South Africa, 2001. In January 2002 the Ministry of Public Information was invited to participate – through the Department for Inter-Ethnic Relations - in the Community Action Programme to Combat Discrimination (2001 – 2006); the activities started in October 2002.

Following the adoption of the Law on **local public administration** 215/2001, the Department for Inter-Ethnic Relations supported its enforcement, conveying a series of documents (the list of counties where inhabitants belonging to a national minority represent more than 20% of the total population, the list of names – as translated in the respective mother tongue - of localities where inhabitants belonging to a national minority represent more than 20% of the total population, the list of the territorial-administrative units where inhabitants belonging to a national minority represent more than 20% of the total population) to the Ministry of Public Administration.

In order to eliminate sources of discrimination in the field of **education**, the Department for Inter-Ethnic Relations decided to finance the publication of textbooks for schools with teaching in minority languages from its own budget, the chapter referring to combating racism, anti-Semitism, xenophobia and intolerance. Several such titles were published in 2002, 2003, 2004 with an expected continuation of the programme in the following years.

In the context of the preparations for Romania's accession to the EU, the Department for Inter-Ethnic Relations took part in several programmes co-ordinated by the Ministry of European Integration, since evolutions in the field of minority protection are considered in the chapter "Political Criteria". Moreover, in 2001-2002, the Department for Inter-Ethnic Relations contributed to the negotiations for Chapter 13, "Social Policy and Employment", where combating discrimination represents an important issue. The Department was also present at all meetings of Sub-committee 7, referring to the same chapter.

In December 2001, on the occasion of the National Minorities' Day, a common statement of all national minorities was adopted, through which all organisations of national minorities underlined their support for Romania's accession to the EU.

At the level of the Department of Inter-Ethnic Relations, a series of contacts with representatives of European institutions were organised, among which meetings with Mr. Hans Peter Furrer, Special Envoy of the Secretary General of the Council of Europe for the Stability Pact for South-Eastern Europe, with Mr. Klaus Schumann, with members of the delegation of the ECRI - Council of Europe, with the OSCE High Commissioner on National Minorities, Mr. Rolf Ekeus, with representatives of the governments of Germany, Hungary, the Slovak Republic and the former Yugoslav Republic. Contacts and collaboration with the UNDP mission in Romania, with the British Council, the French Institute, the German foundations Hanns Seidel and Conrad Adenauer, many embassies, made possible the development of various collaboration projects in the field of national minorities.

## **2002**

In March 2002 the Government issued the **Emergency Ordinance no 31 prohibiting the activity of organisations and the display of symbols with fascist, racist and xenophobic character and the worship of persons guilty of committing crimes against peace and mankind** (published in O.J. 214/28.03.2002). The document includes definitions of the organisation with fascist, racist and xenophobic character, of symbols with fascist, racist and

xenophobic character, and of the person guilty of committing crimes against peace and mankind, stipulates cases of law infringement and contravention, and sets the applicable sanctions.

The Government also approved the G.D. 223/2002 (published in O.J. no. 179/15.03.2002) for the **amendment of the regulations on the description and use of the national flag, anthem and seal bearing the coat of arms**, allowing to national minorities the use of their own symbols (insemne proprii) at official gatherings.

Also in March 2002 the Government issued the **Emergency Ordinance no. 36 regulating the right to property of the Federation of the Jewish Communities from Romania** over Mosaic places for worship, cemeteries and other assets (published in O.J. no. 223/03.04.2002).

At the beginning of 2002, the Department for Inter-ethnic Relations took specific action for the ratification of the **European Charter for Regional or Minority Languages**, an important legal instrument that the Council of Europe adopted with regard to the protection of national minority languages. Romania signed the European Charter in 1995. Consultation with member organisations of the Council of National Minorities was held in order to help the forthcoming drafting partnership between the Ministry of Public Information and the Ministry of Foreign Affairs with regard to the law for the ratification of the Charter. Also a seminar on the topic was held in May, at Bucharest, in co-operation with the Council of Europe.

**Annual Collaboration Protocols between the Social Democratic Party (SDP/Government Party) and the Democratic Union of Hungarians in Romania (DUHR)** were signed between 2001 - 2004 to further continue and support the national policy for the protection of national minorities in Romania.

In October 2002 DIR initiated the project “Evaluation And Testing In The Educational System For National Minorities. A Common European Reference Framework. The European Linguistic Portfolio”, in co-operation with the Association of Teachers of German, the Hanns Seidel Foundation and the Goethe Institute. The event was among those dedicated to the European Day of Languages (September 26) and aimed at offering European countries a model on preserving the linguistic heritage of an area through inter-ethnic education.

Throughout 2002 and 2003 DIR financed the editing of several high-school mother tongue **textbooks** in German, Hungarian, Serbian etc.

In October 2002, DIR organized the **Follow-up Seminar on the First Results of the Monitoring** of the Implementation of the Framework Convention for the Protection of National Minorities in Romania in partnership with the Ministry of Foreign Affairs and the Council of Europe – Directorate General of Human Rights. The seminar was organized following the adoption by the Council of Europe of the two documents concluding the first monitoring on Romania’s implementation of the Framework Convention for the Protection of National Minorities (ratified in 1995): the Resolution of the Committee of Ministers and the Opinion of the Consultative Committee of the Framework Convention. The main objective was discussing the observations of the CoE on the implementation of the Framework Convention in Romania, as well as the recommendations made to our country at the end of this first monitoring. Based on these recommendations, in November 19, 2002, The Council

of National Minorities, in plenary session, adopted a **Common Action Plan** to improve the efficient application of the Framework Convention for the Protection of National Minorities.

## 2003

The first event organized by DIR within the **Community Action Programme to Combat Discrimination** (2001 -2006) was the international conference “Good Practice in the Field of Anti-discrimination Policies” (Bucharest, 22 – 24 May 2003). The project was developed in partnership with Employment and Social Affairs DG of the European Commission and had as a main purpose the dissemination of information on the Community Acquis and the way European Directives on discrimination were approximated in the Romanian legislation. Moreover, the event was a good opportunity for an exchange of experience between Romanian experts and participants from various European countries.

The management of Romania’s participation to the Community Action Programme to Combat Discrimination (2001 - 2006), so far ensured by the Ministry of Public Information through DIR, was transferred to the National Council for Combating Discrimination, according to the provisions in GD 754/2003 concerning the organization and functioning of the Department for Governmental Strategies.

In June 2003 DIR organized, with the assistance of the Council of Europe – Secretariat of the Framework Convention for the Protection of National Minorities, the **project “Minorities and Mass Media” (two modules: audio-visual and press)**. The objective was to enhance the co-operation between the mainstream media, local media and national minority media, in order to raise public awareness on discrimination and to encourage an active attitude against racism and xenophobia. Participants identified the means for positive and efficient communication between mainstream and local media and national minority media.

In order to enhance legislation on national minorities, DIR continued lobbying for the ratification of the European Charter of Regional and Minority Languages. These activities included the visit of a group of Romanian experts from different ministries at the Council of Europe, where discussions were held both with the European Charter Secretariat and independent experts, and the seminar on *the Ratification of the European Charter of Regional and Minority Languages in Romania* (Bucharest). Organised by the Council of Europe at the call of Romanian authorities, the seminar benefited of the presence of a delegation made of independent experts and Council of Europe’s experts, as well as of representatives of the Council of National Minorities and ministries involved in the ratification process. As outcome the grounds for drafting the ratification law were set.

## 2004

In the attempt to improve the existent legislation on the protection of national minorities, DIR organised the seminar on *the Legal Framework for National Minorities. Present and Future*, May 2004. The seminar was planned as a series of discussions and debates between representatives of national minorities, ministries, civil society and the Council of Europe’s Framework Convention for the Protection of National Minorities Secretariat. On this occasion, calling upon the Council of Europe for assistance, DIR received positive feedback for the promotion of a law on national minorities.

In order to sustain financially own and civil society initiatives on inter-ethnic programmes and activities to combat intolerance, DIR received a **doubled budget for 2004** compared to 2003 (refer to Governmental Decision 141/2004).

**Main categories of programmes** promoted this year denote interest in improving national minorities' image in mass-media, supporting **mother-tongue-textbook publishing** and non-formal education, supporting **minority youth** initiatives, valuing national minorities' **cultural heritage** and fostering **contemporary art**, as well as **capacity building** for bodies involved in the administration of inter-ethnic relations.

Starting with January 2004, efforts were made to revalorise the activity of **the Council of National Minorities (CNM)** as main working partner of DIR. So to sustain CNM's organizations and its activities, the funds allocated to national minorities' organizations from the state budget increased compared to last year to the amount of ROL 240 billion (aprox. EURO 5,700,000).

Maintaining and developing **relations with various partners** in Romania, especially with the organisations of citizens belonging to national minorities, represented a constant preoccupation of the Department all these years. Collaboration with such partners as the Intercultural Institute Timisoara, the Ethno-Cultural Diversity Resource Centre in Cluj, the Euro-regional Centre for Democracy Timisoara, the Centre for Legal Resources in Bucharest, the Resource Centre for Roma Communities of Cluj, the Association for Promoting Human Rights and for Fighting Against Discrimination of Bucharest and many others proved to be extremely rewarding.

## **2. The Council of National Minorities**

Throughout 2001, the Council of National Minorities (CNM), the main partner of the department within civil society, saw its statute reestablished and its structure reconfigured. Thus, the Government Decision no. 589/2001 stated that the Council of National Minorities became an advisory organ of the Government, coordinated by the Ministry of Public Information. The bill rules that the issues concerning national minorities are forwarded to the minister to be discussed in government meetings. In this way, the participation in the decision-making process of the organizations of citizens belonging to national minorities is ensured at the level of the government.

The Council of National Minorities has resumed its activity in plenum – as a rule, once every three months – and in work commissions. In November 2001, the department initiated – at the minority representatives' request – a new decision which added to the bill of organization and functioning of the CNM in the direction of enlarging its powers. Consequently, at present the following structures are at work: the Commission for legislation, the Commission for social and economical problems, the Commission for culture, cults and mass-media, the Commission on education and youth issues, the Commission for relations with domestic and international institutions and organizations, and the Commission for financial issues.

In order to operate and exert their activities aimed to the preservation of their own language, traditions and culture, the 19 organizations part of the CNM continued to be provided with state funding, as following:

1999 – 31,600,000,000 ROL

2000 – 62,600,000,000 ROL  
 2001 – 90 billion lei ROL  
 2002 – 126,498,435,000 ROL  
 2003 – 190 billion ROL  
**2004 – 240 billion ROL**

In 2004, the CNM comprises 19 member organizations, representing 20 national minorities : The Association « The League of the Albanians » from Romania, The Union of the Armenians from Romania, The Bulgarian Union from Banat from Romania, The Union of the Croats from Romania, The Hellenic Union from Romania, the Federation of Jewish Communities, the German Democratic Forum, the Italian Community from Romania, the Communitas Foundation, “Dom Polski” Polish Union from Romania, The Community of Lipovan Russians from Romania, the Union of the Serbs from Romania, the Democratic Union of the Slovaks and Czechs from Romania, The Democratic Union of the Turkish-muslim Tartars from Romania, the Turkish Democratic Union from Romania, the Union of the Ukrainians from Romania, the Association of the Macedonians from Romania, the Cultural Union of the Ruthenians from Romania. The latest two organizations represent the new national minorities revealed by the 2000 elections.

The parliamentary group of the minorities is made of representatives of the member organizations of the CNM, except for the representative of the Turkish minority, who declared himself independent and left this parliamentary group, and the representative of the Hungarian minority, as the Hungarian minority has its own party which gained enough votes in the elections so that to form a distinct parliamentary group (27 deputies and 12 senators).

### **3. Yearly budget allocated to the organizations of the Minorities 2004\***

<b>Nr. crt</b>	<b>Organization</b>	<b>Budget 2004 thousands lei</b>
<b>1.</b>	<b>The Armenian Union from Romania</b>	<b>10.600.000</b>
<b>2.</b>	<b>The Democratic Union of the Slovaks and Czechs from Romania</b>	<b>8.600.000</b>
<b>3.</b>	<b>The Union of the Ukrainians from Romania</b>	<b>20.000.000</b>
<b>4.</b>	<b>The Democratic Forum of the Germans from Romania</b>	<b>19.500.000</b>
<b>5.</b>	<b>The Community of the Russians Lippovans from Romania</b>	<b>13.450.000</b>
<b>6.</b>	<b>The Hellenic Union from Romania</b>	<b>9.300.000</b>
<b>7.</b>	<b>The Union of the Serbs from Romania</b>	<b>9.600.000</b>
<b>8.</b>	<b>The Social-Democratic Party of Roma</b>	<b>35.850.000</b>
<b>9.</b>	<b>The Democratic Turkish Union from Romania</b>	<b>7.900.000</b>
<b>10.</b>	<b>The “Dom Polski” Union of the Polish from Romania</b>	<b>5.550.000</b>
<b>11.</b>	<b>The Italian Community from Romania</b>	<b>4.700.000</b>
<b>12.</b>	<b>The Federation of the Jewish Communities from Romania</b>	<b>8.000.000</b>
<b>13.</b>	<b>The Association “The League of the Albanians from Romania”</b>	<b>4.700.000</b>
<b>14.</b>	<b>The Bulgarian Community from Banat from Romania</b>	<b>8.600.000</b>
<b>15.</b>	<b>The Union of Croats from Romania</b>	<b>6.000.000</b>
<b>16.</b>	<b>The Democratic Union of the Turk-Muslim Tartars</b>	<b>9.950.000</b>

<b>Nr. crt</b>	<b>Organization</b>	<b>Budget 2004 thousands lei</b>
<b>1.</b>	<b>The Armenian Union from Romania</b>	<b>10.600.000</b>
	<b>from Romania</b>	
<b>17.</b>	<b>COMMUNITAS Foundation (Hungarian minority)</b>	<b>50.000.000</b>
<b>18.</b>	<b>The Association of the Macedonians from Romania</b>	<b>4.700.000</b>
<b>19.</b>	<b>The Cultural Union of Rutheniens from Romania</b>	<b>3.000.000</b>
	<b>TOTAL</b>	<b>240.000.000</b>

\*The funds allocated to the national minorities living in Romania for 2004 were raised by the government with an amount of 50 billions lei.

#### **4. The status of the ratification of the European Charter of Regional or Minority Languages:**

Following discussions with representatives of national minorities, a first draft of the law of ratification of the European Charter of Regional and Minority Languages has been drawn up.

Later there were further deliberations involving the representatives of national minorities, their proposals being included in the new draft concerning ratification.

There were also work meetings with the members of the Expert Committee that monitors the implementation of the provisions of the Charter in the party states, in Strasbourg (September 2003) and Bucharest (December 2003).

According to the experts' suggestions, the draft aimed to Charter ratification will be revised by the Ministry of Foreign Affairs together with the Department for Inter-ethnic Relations.

The DIR and the Ministry of Foreign Affairs are comitted to take advantage of the expertise and technical assistance offered by the Council of Europe in order to achieve the ratification of the Charter in 2005.

#### **5. Stipulations included in the Law concerning judicial organization no. 304 / 2004:**

##### **Art. 7.**

- (1) All individuals are equal before the law, without privileges and discrimination.
- (2) Justice is done equally for everyone, no matter their race, nationality, ethnic origin, language, religion, gender or sexual orientation, opinion, political affiliation, wealth, social background or status or any such discriminatory criteria.

##### **Art. 11.**

- (1) Judicial procedure takes place in Romanian.
- (2) **Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts, under the provision of the present law.**
- (3) In case one or more parties demand to express themselves in their mother tongue, the court must ensure, without charge, the use of an interpreter or a certified translator.
- (4) **When all the parties demand or agree to express themselves in their mother tongue, the court must insure the exercise of this right, as well as good management of justice, observing the principles of contradictoriness, orality and publicity.**

- (5) The requests and procedural papers are drawn up only in Romanian.
- (6) The debates held by the parties in their mother tongue are recorded in writing under the court president's dictation and only in Romanian. The objections raised by the parties with respect to translations and their transcription have to be settled by the court until the end of the debates in the case and recorded in the final document of the proceedings.
- (7) The interpreter or the translator shall sign all the documents when these were drafted or transcribed upon his/her translation.

## **MEASURES TAKEN IN THE FIELD OF EDUCATION FOR NATIONAL MINORITIES**

### **Introduction, general remarks**

At the beginning of the third millennium, the Romanian education in an obvious adherence process also needs strategies that allow pragmatic and efficient options in carrying out present requirements.

The educational ideal of the Romanian education consists of the free, integral and harmonious development of human individuality, in the formation of independent and creative personality. The investment in education and the formation of people is the most profitable investment done for the development of the Romanian society at long term.

As far as Romanian education is concerned, the study of the native language (be it Romanian language or the languages of a national minorities), of the Romanian history and civilization as well as that of Romania's national minorities is considered key element in maintaining national identity in the context of European integration.

The educational society in Romania presumes new measures of educational policy. The old paradigms of education for everybody and selection through elimination are replaced by a policy that reconciles two priorities: "*Education for everybody and each one*".

The need to change is determined by two directions: the internal one, which implies the re-evaluation of the educational system and the content of education and the external one, which implies harmonization with the requirements of the process of integration.

Within this framework the analysis of the concept of *European dimension* is linked to that of *European dimension of education* also defined by the formation of the European identity.

In this context education for the national minorities of Romania is likely to become a factor for the promotion of co-operation, contributing to the development of information and spiritual value exchange through communication. Youth belonging to national minorities in Romania, who benefit from access to educational resources in their native language (Armenian, Bulgarian, Czech, Croatian, German, Greek, Hungarian, Polish, Serbian, Slovakian, Romany, Russian, Turkish, Ukrainian etc.) – in addition – can also use different sources of information from Europe.

### **GENERAL DATA**

Contents:

#### ***1. Landmarks in the approach of educational policies in Romania***

## **2. Description**

### **3. Juridical framework**

#### **4. Measures taken**

A. Network and schooling

B. Content of education

C. Initial and continuous education – human resources

D. The General Directorate for Education in the language of national minorities and access to education

## **1. Landmarks in the approach of educational policies in Romania**

### **Priorities:**

Romania must increase its efforts to improve education for national minority groups in order to implement rapidly the measures of the general integration strategy and to better monitor the results.

The gradual development of a two-party dialogue and a three-party co-operation is preferred so that the social partners be able to contribute efficiently to the policy and the reform of labor market.

Romanian authorities will continue the implementation of the relevant international instruments: Recommendation R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children; the European Charter of Local self-government; the Framework Convention for the Protection of National Minorities; the Declaration of European Ministers of Vocational Education and the Declaration of the European Commission, passed in Copenhagen in 2002, on enhanced European cooperation in vocational education and training.

Among the main landmarks in taking these European measures assumed by Romania we mention the necessity to ensure transparency, information and counseling, the creation of a framework to recognize competence and qualification, as well as to attain high quality in the educational process. *Romania's accession to the European Union is a major political priority of the Romanian Government and of the entire Romanian society.* In the long-run, the approach of the Romanian educational problems as a whole must be also considered through the implications of the development of education on the accession process. At the request addressed by the Commission to the candidate states, the Romanian Government decided to implement the detailed work program endorsed by the Council of Europe in 2002 in Barcelona on the objectives of education and training systems for 2001-2010.

The Ministry of Education and Research took this decision at the Conference of the European Ministers of Vocational Education and Training at Bratislava in 2002. The goals, substance and structure of pre-university education are correlated with lifelong learning, on condition that basic education must ensure the acknowledgement of skills necessary for the universal and constant access to education in order to be steadily part of the society of knowledge. This key message of the Memorandum on permanent learning represents the basis of an active citizenship and labor market in the Europe of the twenty-first century.

## 2. Description

In Romania access to education is guaranteed and organized in a way as to ensure equal chances to all Romanian citizens regardless to *nationality, sex, race, social or material condition, political or religious belonging*. The state guarantees the right of persons belonging to national minorities to learn their native languages and to be instructed in these languages. At the same time, according to the Law on Education it is compulsory to learn the Romanian language.

In 2002-2003 school year, there are three types of education for ethnic minority children in Romania: Educational structures with tuition in the native language for the *Czech, Croatian, German, Hungarian, Serbian, Slovakian and Ukrainian* minority. Educational structures with partial tuition in the native language. This form of study is characteristic for the *Croatian, Turkish and Tartar* minorities for whom some vocational subjects are also taught in the native language.

Educational structures in Romanian language in which the native language is studied as a separate subject. Such structures are organized for the native languages of the *Armenian, Bulgarian, Greek, Italian, Polish, Roma, Russian, Czech, Croatian, German, Hungarian, Serbian, Slovakian, Turkish-Tartar and Ukrainian* minorities. (Details in Chapter IV entitled: “Statistics on the Education of National Minorities in Romania”)

## 3. Juridical framework

### Provisions of the Romania Constitution, republished:

#### Art. 32.

(...)

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

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

*The Law on Education No. 84/1995, republished on the basis of Art. II of Law No. 151/1999 on the approval of Government Edict of Urgency No. 36/1997 for amending and completing Law No. 84/1995, published in the Official Gazette of Romania, Part I, No. 370/03.08.1999.*

“Art. 5. – (1) The Romanian citizens have equal rights of access to all levels and forms of education, irrespective of their social or material background, sex, race, nationality, political or religious belonging.”

Art. 8. (...)

(2) In each locality units, forms or study groups are organized and function with tuition in Romanian language and, if necessary, in the languages of national minorities, or their schooling in native language is ensured in the nearest possible locality.

(3) The learning of the Romanian language in school, as the official language of the State, is compulsory for all Romanian citizens irrespective of their nationality. The curricula must include the necessary number of hours and, at the same time, shall ensure the conditions to grant the mastering of the official language of the state.”

Chapter XII – Art. 118-126 of the Law on Education regulates the conditions of organizing and accomplishing education for persons belonging to national minorities.

*Note:*

The Romanian Parliament (Chamber of Deputies and Senate) passed the *amendments of Law no. 84/1995, republished*. The most important new stipulations are:

- i. compulsory education in Romania is 10 grades;
- ii. compulsory school attendance ceases at the age of 18;
- iii. the national educational system has the following levels:
  - pre-school education;
  - primary education (grades I-IV);
  - secondary education:
    - lower secondary education organized at two levels that succeed each other: the junior high school (grades V-VIII) and
    - inferior level of the high school or art and crafts school (grades IX-X);
    - higher secondary education, the superior level of secondary education (grades XI-XII/XIII), preceded, from case to case by a complementary year;
  - post-secondary education;
  - higher education:
    - higher education and
    - post higher education.

#### **4. Measures taken**

According to the organization and carrying out of education in Romania, the highest responsibility in the observance of educational rights is that of the Ministry of Education, Research and Youth, county school inspectorates (and of the Municipality of Bucharest) as well as school leaderships and management. As state education is free of charge, the Romanian State covers the expenses for learning of or teaching in the native language within the framework of pre-university and higher state education in compliance with the legal provisions.

The Ministry of Education, Research and Youth ensures the curricula and syllabuses necessary for native language educational processes, as well as the textbooks used in compulsory state education (Art. 174 of the Law on Education).

Qualified teachers, whose majority belong to the respective minority, trained and further trained within the framework of secondary and higher educational system are provided for the educational system with tuition in the languages of national minorities.

Due to the measures taken, the most important points of reference in education in the languages of national minorities are as follows:

#### **A. NETWORK AND SCHOOLING**

In localities with population belonging to different minorities or ethnic Roma, the state insures the organization and functioning of education with tuition in the languages of national minorities, partial tuition of subjects in the native language or the study of the native language, the history and traditions of the respective minority. In Romania the educational system for national minorities corresponds with the general one and includes kindergartens,

primary, middle (junior secondary) and (senior) secondary schools, vocational and apprentice schools, postsecondary and master craftsman training.

Pre-university education includes 23,519 kindergartens, schools, secondary schools, vocational schools and post-secondary schools out of which 2,648 (11.29%) function as units or sections with tuition in the languages of national minorities.

Out of the total number of the units and sections with tuition in the languages of national minorities, 87.68% operate in Hungarian language.

In the 2002-2003 school year, pre-university education included 3,900,489 pupils, representing 17.97% of the population of the country. Out of this figure 208,146 children and pupils (5.33%) attend native language education.

Education in native language is organized in separate educational units (1,294) and Romanian-Hungarian, Romanian-German, Romanian- Serbian, etc. sections (1,354). Both in units and sections education is in native language. In the 1,354 sections (mixed units), the material basis – classrooms, laboratories, libraries, etc. – is used in common and the school has one management.

In conformity with the provisions of Article 126 of the Law on Education, one of deputy headmasters belongs to the national minorities of the school. A series of extracurricular activities is organized either in Romanian, or in Romanian and in the native language.

The situation *by educational levels* in 2002-2003 school year is the following:

- pre-school education includes 9,547 units with 629,703 children, out of which 1,306 units and sections (13.67%) attended by 47,076 children (7.47%) operate in the languages of national minorities;
- primary school education (grades I-IV) comprises 5,609 units, attended by 990,807 pupils, out of which 444 units and sections (7.91%) with 55,921 pupils (5.64 %) operate in the languages of national minorities;
- middle school education (grades V-VIII) involves 6,847 units (1,207,505 pupils), 712 units and sections (10.39%) with 61,265 pupils (5.07%) operating in the languages of national minorities;
- secondary school education (grades IX-XII/XIII) covers 1,388 units (740,404 pupils), out of which 168 units and sections (12.1%) attended by 34,276 pupils (4.62%) in the languages of national minorities;
- professional, apprentice, post-secondary and craftsman school education is attended by 332,070 pupils, out of which 9,608 pupils (2.89%) learn in the languages of national minorities.

Since the 1990-1991 school year within the pre-university education in Romania there have been introduced education alternatives of Freinet, Waldorf, step by step or Montessori. Regarding the education for national minorities it must be mentioned that there are pre-School Clusters within Waldorf kindergartens in Cluj-Napoca, Braşov and Oradea, and Montessori in Odorheiu Secuiesc for the Hungarian minority and Waldorf in Târgu Mureş for the German one.

At the same time, based on the provisions of Article 14 of the Law on Education No. 84/1995 republished, primary and middle school grades were set up in Cluj-Napoca – for the Hungarian minority and in Bucharest – for the German one.

*Consequently:* in 2002-2003 school year, in pre-university education in 2,648 school units and sections 208,146 children and pupils studied in the 7 native languages. In higher education 30,684 ethnic students studied in over 20 university centers in Romania (25,762 Hungarians, 1,881 Germans and 3,041 other national minorities).

In *state or private higher education*, there are study lines in the languages of national minorities. For ethnic Hungarian and German students, courses are delivered in the respective languages at request.

Training of native language teachers for the Bulgarian, Czech, Croatian, Greek, Polish, Russian-Lippovans, Serbian, Slovak, Ukrainian, Turkish minorities and the Roma is ensured at the universities of Bucharest, Constanța, Suceava and Timișoara.

There are 15 specializations with more than 900 students within the “SAPIENTIA” Private University with branches in Cluj-Napoca, Miercurea Ciuc and Târgu Mureș in 2002-2003 academic year.

In 2002-2003 academic year, 596,297 students were enrolled in higher education in Romania. 30,684 (5.14%) students belong to national minorities. In public education 457,259 students are enrolled; out of this number 25,544 (5.58%) belong to national minorities.

In private education 139,038 were registered, 5,140 (3.69%) belong to national minorities.

## **B. CONTENT OF EDUCATION**

### *Curriculum*

The fundamental document in the realization of the finalities is the curriculum. Education with tuition in the languages of national minorities is an eloquent form for the education of a multicultural citizen.

Beginning with 2003-2004 school year the educational system will undergo a change in structure and content on our road towards the united Europe.

In order to increase the efficiency of the teaching-learning process of the native languages alternative textbooks have been elaborated, separate for the pupils of each minority, including the Romas. New textbooks are being elaborated for subjects like the history and the tradition of national minorities, separate for each minority in question and, in compliance with the choices of different national minorities and ethnic communities, for Music.

For the other subjects the alternative textbooks approved by the Ministry of Education and Research are translated from Romanian to the languages of minorities.

In units and sections with tuition in the language of a minority, the native language and literature are studied in grades I and II in 7-8 hours / week; in grades III and IV, in 5-7 hours; in grade V in 5 hours and in grades VI-VIII in 4 hours.

In units and sections where the native language is studied as a subject, the number of hours allotted is of 3-4 / week during the entire schooling (grades I-XII).

The history and the traditions of each minority apart are studied in grades VI and VII. Religion can be studied in the languages of national minorities.

The new school syllabi were elaborated in a new form for all the minorities in accordance with the content and aim of the educational reform.

The syllabi for the history and the traditions of minorities were elaborated for the Hungarian, German, Slovak, Turkish, Roma and other minorities; for the Hungarian language the textbook was elaborated, approved and printed. For the German and Slovak minorities the textbooks were elaborated and approved and after bidding they will be also printed.

Beginning with 2001, the Department for Interethnic Relation launched the project: *High School Textbooks for National Minorities* having a yearly fund of 300 million lei, contributing thus to the development of education in native language and the protection of Romania's linguistic patrimony. The specialists of education for national minorities participate actively to the entire process of implementation of educational policies, as well as the elaboration of the curriculum, school textbooks and special school equipment.

Order No. 3638/2001 of the Minister of Education and Research (completed with the stipulations of Order No. 3342/2002 for 2002-2003 school year on the application of framework plans for grades I-VIII in 2001-2002 school year stipulates (Art. 3) the status of the native language.

Order No. 3670/2001 of the Minister of Education and Research on the application of framework plans for secondary education in 2001-2002 school year concerning the tuition of the native languages stipulates (Art. 4): "...*native language and literature is part of the common trunk and is studied in a number of lessons equal with the study of the Romanian language*".

Taking into consideration the high costs of textbooks for minorities, in compliance with Order No. 3811/1998 of the Minister of Education, alternative textbooks can be elaborated in European co-operation, or textbooks from the native country of the minorities can be submitted for approval to the Ministry of Education.

The school syllabuses for the native language and literature shall be revised having in view the extension of compulsory education.

Within the framework of tuition in the languages of national minorities special attention is paid to the acquiring of the Romanian language by all the citizens of Romania, bearing in mind the equilibrium between the constitutional rights and duties of minorities, as well as granting equal chances for all the citizens of the country. The tuition of the Romanian language is carried out according to new syllabuses. These are specific for schools with tuition in native language both through the applied method during the tuition process and more reduced requirements.

The textbooks for both grades I-IV and V-VIII have been renewed.

A substantial financial aid has been obtained from the Ethnocultural Diversity Resource Center, a civil organization that gave 60 thousand dollars for the editing of new special Romanian language textbooks for minorities. The expenses for the textbooks for grades I-IV and VII-VIII have been covered from the budget.

The development of vocational and technical education in native language in compliance with the requests of local and county communities correlated with the educational needs of pupils, the interests of parents and the necessities of the labor market according to the National Development Plan is another priority of the educational process. The results of these measures are obvious from the following data: while in 1989-1990 school year 125 pupils were enrolled in vocational education with tuition in the languages of national minorities, in 2002-2003 school year the number of pupils is over 9,500.

It is obvious that the schooling plan is going to be established by taking into account the same coordinates. Moreover, efficiency with regard to both finances and human resources shall result in the creation of central schools in rural areas, where the transport of pupils shall be solved in cooperation with local communities. Thus the material basis could be developed harmoniously in the entire educational system, including education for national minorities.

### **C. INITIAL AND CONTINUOUS EDUCATION – HUMAN RESOURCES**

In order to improve teacher training in 2001 *Strategy for the initial and continuous training of teachers and school managers (2001-2004)* was adopted.

Under such conditions, in the education in languages of national minorities, the formative and educational training is not only a necessity, but also a central component of the educational reform. In 2002-2003 school year 13,364 teachers (2,320 pre-school teachers; 2,925 primary school teachers and 8,119 teachers) participate in tuition for national minorities.

Kindergarten and primary school teachers are trained in secondary schools and in pedagogical colleges with tuition completely in the native language of the Hungarian and German minorities, as well as in secondary schools and pedagogical colleges in which the native language is studied. Thus, such colleges function for all the minorities in *Braşov, Constanţa, Sibiu, Odorhei, Satu Mare, Suceava, Tg. Secuiesc, Timişoara, Aiud, Cluj*, etc.

The higher educational institutions of Romania train the educational staff necessary for lower secondary, secondary and vocational schools.

The universities of Romania organize study and specialization lines for the languages and literatures of national minorities, as well as other specialization.

Teachers employed in the educational system for national minorities may also study abroad: in Bulgaria, Croatia, Germany, Serbia, Slovakia, Ukraine, Hungary and Turkey. Based on the signed bilateral agreements, teachers and school managers who participate in the educational process destined for national minorities benefit of further training sessions in the above mentioned countries.

Within the context of strategic options of the Romanian Government, the Ministry of Education, Research and Youth approaches comprehensively the problem of compulsory

education as a coherent, unitary ensemble that includes finalities, structure, organization, curriculum, teaching staff, school supporting services, evaluation and inspection.

For the education in German language the *Center for the Continuous Training in German Language of Mediaș* takes over the tasks of a house of the teaching staff with the difference that it achieves the further training of teachers in German at national level. The *Center for the Continuous Training in German Language in Mediaș*, institution subordinated to the Ministry of Education and Research established relations of partnership with two institutions of continuous training from Germany.

#### **D. THE GENERAL DIRECTORATE FOR EDUCATION IN THE LANGUAGES OF NATIONAL MINORITIES AND ACCESS TO EDUCATION**

It includes a special directorate, namely the Directorate for Education with Tuition in Hungarian, German and Other Minorities.

*The main objectives* of the General Directorate for Education in the Languages of National Minorities and Access to Education were established based on Chapter VI of the 2000-2004 Government Program. *The strategy of the formation and reshaping of human resources* is the main objective of educational policies that the Government of Romania shall promote in order to ensure economic and social modernization.

In the context of strategic options of the Government of Romania, in the field of education and research, the General Directorate for Education in the Languages of National Minorities and Access to Education shall observe the following major objectives:

- i. real insurance of basic education in the educational system for minorities;
- ii. permanent actualization of school curriculums and their adaptation to the necessities of the beneficiaries;
- iii. forming of the basic competencies for the maintenance of the languages and cultures of minorities in Romania;
- iv. harmonization of the quality of education for minorities to the standards of performance of the countries in the European Union;
- v. preparing and formation of competencies for formative assessment and examinations centered on performance;
- vi. reorganization of school network for minorities;
- vii. supply of schools with textbooks in the languages of minorities;
- viii. elaboration and monitoring of projects or programs for the protection and educational maintenance of persons who come from the marginalized categories of the society for different reasons.

In order to fulfill these objectives, the General Directorate for Education in the Languages of National Minorities and Access to Education takes the following measures:

- a. Organizes:
  - education with tuition in the languages of national minorities;
  - educational reform of minority education;
  - relations with governmental and non-governmental organizations for problems concerning minority education;
  - its own managerial framework for specific activities;

- activities of control and advice for educational institutions with tuition in the native language.
- b. Co-ordinates:
  - the application of the strategy for development and reform within minority education;
  - the activities of the departments within the general directorate.
- c. Collaborates with all the general directorates and departments within the ministry for the specific problems of minority education.
- d. Elaborates notices, announcements, syntheses and other papers on the activity of the General Directorate.
- e. Reports:
  - on the documents regarding the management or auxiliary literature in the education with tuition in the languages of national minorities;
  - on the rules, instructions and methodologies regarding the specific activity in education with tuition in the languages of national minorities;
- f. Approves:
  - the draft answers to the registered correspondence of the general directorate;
  - the methodology and themes of inspection, as well as their agenda
  - the field trips proposed by the directorate.

## **DIRECTORATE FOR EDUCATION WITH TUITION IN HUNGARIAN, GERMAN AND OTHER MINORITIES**

The department has the following main tasks:

- a. Assures:
  - the enforcement of the legislation on the right of national minorities to learn and to be instructed in their native language;
  - the enforcement of normative acts concerning the teaching of the native language, of the culture and traditions of the Hungarian, German and other minorities;
  - the proportional representation of the teachers belonging to the Hungarian, German and other minorities in the leadership of educational units and institutions with groups, grades, sections with tuition in the languages of the national minorities, bearing in mind, at the same time, their professional competence;
  - the circulation of information concerning education for the Hungarian, German and other minorities.
- b. Elaborates:
  - draft normative acts, orders, methodologies, instructions, regulations, notices, announcements, syntheses and other papers which refer to tuition in Hungarian, in German and in other languages;
  - draft answers to the registered correspondence of the department;
  - draft syllabuses and curricula for pre-university education with tuition in Hungarian, in German and in other languages;
  - the agenda of activity for national committees on subjects;
  - the thematic plans for inspections on subjects;
  - the subjects for secondary school entrance examinations and school leaving examination;
  - the questionnaires, assessment examinations and criteria for certain elements of content (syllabuses, curricula, textbooks).
- c. Organizes:
  - the application of the strategy of development and reform in preuniversity education with tuition in Hungarian, in German and in other languages;

- the secondary school entrance examination, examination on subjects, school leaving examination;
- the activity of national committees on subjects.

In fulfilling its tasks the department:

a. Collaborates:

- with the other departments of the ministry for solving specific problems;
- with institutions of higher education, research institutions, ministries, economic agents, the cultural office of the Embassy of Hungary, Germany, Czech Republic, Slovakia, Croatia, Bulgaria, Turkey, Serbia and Montenegro, Poland, Ukraine, Greece, Armenia and Italy in Bucharest, domestic and foreign, governmental and non-governmental establishments and organizations, prefects' and mayors' offices on the specific problems of the department;
- at the elaboration of programmes concerning specific informatics and database;
- at the elaboration of regulations for supplying school equipment.

b. Monitors and controls:

- the results obtained at capacity examinations, secondary school entrance examinations, school leaving examination and national examinations on subjects;
- the proposals concerning the improvement of the framework curricula, analytical school curricula and pre-university textbooks in the languages of national minorities; the result of the questionnaires, assessment examinations and criteria for certain elements of content (syllabuses, curricula, textbooks);
- the composition of national committees on subjects, for examinations on subjects, for secondary school entrance examinations, for school graduating examinations, for post-secondary school graduating examinations;
- the methodology, theme and agenda of field trips.

c. Accounts for:

- the training and refresher courses organized for the teaching staff employed for the education in the languages of national minorities;
- the activity of its subordinated specialized school inspectors;
- the report on the situation of the translation of alternative textbooks.
- solving the problems of underprivileged children. It has the following general tasks:
  - i. observance of the legislation in force regarding the rights of children so that pupils, students who belong to the marginalized categories of the society for different reasons: economic, ethnic, denominational, geographically underprivileged etc. take part in institutionalized instruction and education in conformity with the principles of the Constitution of Romania and the international documents Romania is party to;
  - ii. elaboration of public acts concerning education for this category of pupils;
  - iii. elaboration and monitoring of programs or projects of the Ministry of Education and Research that have this objective;
  - iv. observance of conventions and agreements signed by Romania with international organizations, institutions in co-operation with the General Directorate of the Ministry.
  - v. enforcement of the legislation in force regarding the equal access to education and instruction of the above mentioned categories;
  - vi. manner of organization of education with this destination: network, schooling, adaptation;
  - vii. organization, coordination, elaboration and editing of the strategy for the initial and continuous education of the teaching staff which addresses these children, as well as the methodology for the application of these strategies.

## **TYPES OF EDUCATION FOR MINORITIES FOUND WITHIN THE EDUCATIONAL SYSTEM IN ROMANIA**

The educational structures for national minorities, designed to respond to the challenges of the European integration, to ensure the full implementation of the provisions of relevant international instruments in this field and to meet the expectations of the persons belonging to the minorities living in Romania can be included in three main categories, as follows:

- i. Educational structures with tuition in the native language;**
- ii. Educational structures with partial tuition in the native language;**
- iii. Educational structures with tuition in Romanian language with the study of the native language.**

### **SECTION IIa**

#### **MEASURES UNDERTAKEN IN RESPONSE TO THE COMMITTEE OF MINISTERS RESOLUTION (First monitoring cycle)**

**Regarding the Committee of Ministers Resolution (ACFC/INF(2003)001)** adopted after the submission of the Romanian report in 1999, and the guidelines for the elaboration of state reports in the Second monitoring cycle, adopted by the Committee of Ministers in January 2003, this section will deal with art. 1, para. 04, of the above mentioned Resolution, formulated as follows:

*“Despite the determination of the authorities to speed up the social integration of the Roma, real problems remain, notably as regards acts of discrimination in a wide range of societal settings and wide socio-economic differences between a large number of Roma and the remaining population as well as their treatment by some law-enforcement officials.”*

In April 2001, the Romanian Government adopted a "Strategy for Improving the Roma Condition" proposing specific measures and setting concrete dealines.

Finding a settlement to the situation of the Roma is a pan-European social problem. International opinion has recognized and appreciated the efforts made thus far by Romania in this area. Naturally, it is an undisputed fact that despite the achievements made so far in the field of the social integration of the Roma, a considerable proportion of Roma inhabitants continue to face serious problems. In the interest of remedying these difficulties, the Romanian authorities are pushing through a comprehensive Roma programme determined and financed by the Government. Emphasizing on the essential measures already implemented in the fields of education, social integration and elimination of flagrant economic and social disparities, this section will approach also the projects and the unsolved problems that still remain in large numbers.

As the Open Society Institute assessed in the framework of its EU access Monitoring Program: *real progress has been made in education for Roma, although many educational policies were developed before the Strategy was adopted. The number of Roma studying at university faculties has greatly increased, mainly due to Government-mandated measures to reserve places for Roma students. There has also been a surge in the number of students studying in Romanes, although there are still too few teachers to meet demand.* In the mean

time, [...] *the report of the OSI commends the Government Strategy for its straightforward approach to problems of discrimination. It praises the Government for creating new structures at the central and local levels to give Roma a greater role in decision-making. But it also challenges the Government to do more to implement concrete projects from the Strategy.*

## **1. Strategy of the Romanian Government for improving the situation of the Roma minority**

### *Considerations on the actual stage of implementation of the strategy*

The Strategy of the Romanian Government for improving the situation of the Roma minority (Government Decision no. 430/25.04.2001 - hereinafter called "the Strategy") is a political and executive document signed by the prime minister and 12 ministers, and represents a synthesis of **public policies for the next 10 years (2001-2010), containing also a plan for medium-term measures (i.e. 4 years: between 2001 and 2004)**. The main objective for this period was to ensure a functional structure by which the Strategy could be coordinated and improved, taking into account the experience (both positive and negative) gained at the level of central and local authorities, but also within the civil society.

The main goals of the Strategy represent as many objectives by the way of which the day-to-day life of the Roma living in our country can be significantly improved in a reasonable period of time.

- The political objectives undertaken by the Government in 2001, by the adoption of the Strategy, were aimed first of all to ensure **the full accountability of local and central authorities** for the practical implementation of the measures designed to improve the situation of the Roma. In this respect, the main structures are: 1) The Mixed Committee for implementing and monitoring the Strategy, formed by the secretaries of state in the central institutions responsible with the implementation of the Strategy, as well as representatives of the Roma; 2) The Ministerial Commissions for the Roma: each commission is held responsible for the elaboration of sectorial measures (Education, Health, Work etc.) and for the fulfillment of the missions stated in the Strategy; 3) the County Offices for Roma, which work by the side of the prefect's offices in each county; 4) Local experts for the Roma, who must work within town halls and are responsible for the local plan of actions aimed at the improvement of the Roma condition in those communities.

- A more active implication of the **Roma elites** (intellectual and economic, traditional and modern, political and belonging to the civil society) in the development of the measures contained in the Romanian public policies.

- **Prevention and fighting against stereotypes and preconceptions** according to which the Roma are discriminated with regard to the other citizens of our country. As regards this point, it was envisaged to forge a positive change in the perception of the public opinion with respect to the Roma, change based on the principles of tolerance and social solidarity. A line of force will be preventing and fighting social discrimination of the Roma, including a permanent enlargement of their access to the full range of public services.

- Encouraging the unmediated and active participation of the Roma in projects and programs of **development and community assistance**.

- Ensuring the necessary conditions for equal chances for the Roma so that they reach a decent living standard.

The Strategy for improving the situation of the Roma living in Romania is being developed along the main lines in 10 sectorial domains:

i. **Administration and community development:** the organization at local and county level (village, commune etc.) of mixed workgroups, formed by elected representatives of the local communities (including Roma local counselors, mayors etc.), representatives of the decentralized structures of the administration, and representatives of the Roma organizations, in order to evaluate the main real necessities of the Roma living in various local communities. At the same time, co-operation between local authorities and Roma civil society will be developed in a manner that ensures the unmediated participation of the Roma in all the decision-making processes which affect, in a way or another, the life of the Roma within the community. Based on this co-operation, actions of recruitment and employment of Roma in the structures of the local and central administration will be undertaken.

ii. **Housing:** starting from the principle that all the citizens of our country, regardless their ethnic origins, must be ensured lodging corresponding to the economic and social development of today's Romania, issues related to the Roma problems, in connection with real estate property, will demand a greater attention from the part of local authorities; the priorities will be utilities as electricity, metan gas, waste collection etc.

iii. **Social security:** In the context of the improvement of the legislative framework by which all Romanian citizens, regardless their ethnic origins, have access to all public services, local and central authorities, in partnership with the civil society, will undertake concrete measures aiming at: a) the achievement of programs and projects related to education, improvement, professional reconversion and recruitment of the disadvantaged classes, including the Roma; b) monitoring the professional evolution of the young Roma who benefited of superior education following affirmative action measures, as well as their involvement in the implementation of the Strategy; c) fund allocation, including funds from the state budget, to the NGOs which establish social, educational and health assistance institutions for local communities with a significant number of Roma; d) raising the social benefits for the families with many children and material difficulties, including the Roma families etc.

iv. **Health:** an important role in this domain is reserved to the new institution of the *sanitary mediator for the Roma*, institution which was created and works within the partnership between the Health and Family Ministry and local and central administrations, on the one hand, and Roma civil society, on the other. The programs and the projects designed for the local communities are also taking into account sanitary information and medical consultation, with a strong accent on mother and child problems.

v. **Economy:** the initiation, in partnership with the business community and the civil society, of programs designed to develop lucrative activities; in this area, a special attention is focused on the non-discriminatory recruitment of the Roma, in the public sector as well as in private enterprises, also by hiring Roma women. Giving support to the small and medium enterprises belonging to the Roma or to those which are planning to hire various disadvantaged people, including Roma. The enforcement of the legislation concerning the distribution of land to Roma ethnics. The completion of the legislation regarding Roma's access to sustainable economic activities.

vi. **Justice and law enforcement:** Since the approval of the Strategy, in 2001, the hiring of Roma ethnics in the police forces and in other bodies concerned with maintaining public order and law enforcement continued; this action will be pursued and enhanced in the future.

vii. **Child protection:** in the framework of the partnership between authorities and the civil society, many programs were initiated, aiming at preventing and fighting discrimination against Roma youth and children. The establishment of the *social mediator for the Roma* is the key for a better connection between disadvantaged Roma categories, on the one hand, and local authorities, on the other. In the meantime, programs are under way with respect to the prevention of school abandonment, abuse, and neglect of the child, as well as all the other phenomena which place the children in difficult situations. A very actual issue is the prevention of marriage between young teenagers, often concluded at the pressure of the parents in traditional communities and against the long-term interests of the children concerned.

viii. **Education:** continuing the programs and projects designed to stimulate school participation and to reduce school abandonment within the disadvantaged segments of the Roma population in local communities with a significant number of Roma ethnics. Regarding the affirmative action programs reserving "special places" for young Roma in high schools and universities, they will continue in the next period, aiming at the creation of a social, intellectual, economical and cultural elite of the Roma. An important role will be played by the future institution of the *school mediator*, directly involved in the improvement of the access of Roma children and young people to the educational processes.

ix. **Culture:** a large number of projects were initiated with the objective of valorizing the cultural heritage of the Roma, including the Museum and the Cultural Centre of the Roma.

x. **Communication and civic involvement:** first of all, this part of the strategy is designed to influence the public opinion and fight against preconceived ideas regarding the Roma in the media, in the recruitment process, in using public services etc. An important aspect is an active participation of the Roma's NGOs and of the Roma leaders at all decision-making levels concerning the improvement of the Roma situation in our country.

## **2. Among other Phare activities connected to the Romanian Government's Strategy for the Roma there are:**

- The Phare Program RO.9803.01 meant to "Improve the condition of the Roma", implemented in 2000-2001; within this project, a grant scheme of EUR 900 000 was available for partnership projects between the public administration institutions and the Roma communities;
- Within the Phare Program "Civil Society 2000" (RO.0004.02.02), considered "a natural continuation of the Phare Program RO.9803.01", a EUR 1,000,000 grant was launched on January 20, 2002, for partnership projects between Roma communities and public administration institutions, in the fields of social service, public administration, education, health, communications etc.
- For its sphere of responsibility, the Ministry of Education and Research has devised a sectorial program that has been approved and whose implementation has started (Phare RO 01.04.02, "Access to Education for Disadvantage Groups, with a Special Stress on the Roma", with an EUR 7,000,000 grant).

- The Phare Program 2002/000-586.01.02, supporting the strategy for improving the Roma condition, implemented between 2003-2005; within this project, a EUR 4,8 million grant scheme will be available for the projects submitted in the framework of the partnership between public administration institutions and Roma communities.
- The Phare Program no. 2002/000-586.01.02, called “Support for the national strategy of improving the Roma condition”, amounting to EUR 6 million, is supplemented with EUR 1,6 million from the Romanian Government; the funding memorandum for this project was signed by the Romanian Government and the European Commission on December 12, 2002.
- The LEI 56,651,200,000 (EUR 1,6 million) fund called “Partnership for supporting the Roma – 2003” was aimed to the local administration structures which have the improvement of the Roma condition as their objective.

As a consequence, on the basis of the Order no. 215/13.05.2003/MIP and the Order no. 553/02.09.2003/SGG, concerning the use of the funds collected by the State Budget for 2003, Appendix 3-33, point j, programs with non-refundable financing, the participation – in the national currency – of the Romanian Government to the aid granted by the European Commission, the Committee for the evaluation of the projects within the “Partnership for the support of the Roma – 2003” assessed the quality of the 96 funding requests submitted by public institutions.

Following the assessment of the funding requests, 27 projects were proposed for grants. The projects selected concern local development, aiming to the improvement of the condition of the Roma communities. Thus, in the fields of “income-generating activities”, 7 projects were financed, the amount dedicated to their implementation representing 0.24% of the total sum engaged by the GSG. The list of the projects selected for funding also includes projects related to “small infrastructure” (with 11 projects, 0.35%) and housing rehabilitation (8 projects, with an amount representing 0.32% of the total sum allocated by the GSG). One of the beneficiaries of the contracts – the Albesti city hall, Botosani county – was unable to implement the financed project, refunding the amount aimed to this purpose.

Following the implementation of the projects within the program, LEI 46,624,068,782 were spent, that is 0.82% of the funds engaged by the GSG. The objectives pursued went from the improvement of the housing conditions and offering public utility and local infrastructure services to the support of innovative profitable initiatives. Here are the types of projects that were submitted for funding:

- Housing rehabilitation – 8
- Road rehabilitation – 6
- Extension of the electric network – 1
- Installment of water conduits – 3
- Agricultural projects – 3
- Income-generating activities – 5
- Image promotion – 1

As a synthesis, the larger picture is as follows:

Income-generating activities – 8

Small infrastructure – 10

Housing – 8

Image promotion – 1

According to the Appendix 3 of the State Budget Law on 2004, LEI 64 billion were allocated in 2004 for activities related to the implementation and monitoring of the Strategy.

### **3. Education for the Roma**

The Romanian government is fully aware of the fact that *Romani is a mothertongue and a key-factor of learning* and is tackling responsibly the efficient implementation of the Council of Europe Committee of Ministers Recommendation (2000) on the education of Roma/Gypsy children in Europe; and the European Union Council and the Ministers of Education, Resolution of School provision for Gypsy and Traveller children (1989), plus other substantial international documents, resolutions and recommendations on the field of education, language, culture and history in Europe.

#### **ROMANI LANGUAGE**

*Number of schools:* 135

*Number of pupils:* 15,708

*Number of teaching staff:* 257

#### **a. Status of the Romani language in the Romanian educational system**

As it is well known, the Romas of Romania chose education in Romanian language or in compliance with the local school tradition in Hungarian language.

At the request of parents, at this moment, the 158,124 (synthetic figure from the reports of county school inspectorates – 2003) Roma pupils who attend school, 15,708 Roma pupils in grades I-XIII benefit of an additional Roma curriculum, formed of 3-4 classes weekly / form or group of Romany language and literature and 1 class weekly of the history and traditions of the Romas in grades VI and VII.

#### **b. Tuition of the Romany language at present**

In *pre-university education*, in 2002-2003 school year 15,708 Romani pupils were enrolled (out of which 9,846 in grades I-IV, 5,771 in grades V–VIII, 91 in grade IX), in 135 schools and high school in 38 counties. (It is not yet taught in Argeş, Braşov, Buzău, Neamţ Counties.) On one hand they learn the Romany language and literature, on the other hand one class stipulated for grades VI-VII on the history and traditions of the Romas 257 teachers ensure tuition.

The exact situation concerning the teaching of the Romany language is obvious from the general table on the attendance of the Roma children. In *higher education* 10 Roma students were enrolled for regular courses at the Department of Romany Language of the Faculty for Foreign Languages and Literatures of the University of Bucharest. At the same time, 61 Roma students were enrolled in the first year at the Roma teacher-training section of the Department for Open Distance Education of the same University (In the three study levels there are 117 Roma students.)

### **c. Elaboration of school equipment for the mastery of the Romany language\***

During the 2002-2003 school year the *elaboration of school equipment* continued (syllabuses, textbooks, auxiliary school equipment), by engaging Roma teachers in the work. They have been elaborated in partnership with different financing organizations. The Ministry of Education, Research and Youth, hereinafter called MERY, offered consulting, recommended authors and specialists in the field of language, history and Romany language, and distributed them free of charge to schools.

### **d. Cultivation of the Romany language through extra-curricular activities**

The 4th edition of the national contest of Romany language as native language was financed and organized by the MERY together with the Mureş county school inspectorate in 13-17 April 2003, at Târgu Mureş. 75 Roma children participated at the contest from 32 out of the 38 counties where this language is studied as an additional curriculum. During the summer of 2003 the MERY financed, similarly to the former 6 years, two camps (one of Romany language and culture for 250 Roma children, the other of intercultural character for 250 children, participants at the Hungarian, Romany, German, Turkish, Ukrainian, Serbian, Slovak and Russian-Lipovan Olympic contests).

### **e. Training of teachers for Romany language and the history and tradition of the Romas**

Together with the UNICEF (financed), the MERY organized in July 2003 the fifth edition of the National summer courses of Romany language, the history and traditions of the Romas for unqualified Roma teachers in order to give them the minimum training they needed for teaching the subjects. Beginning with October 2003 they will teach and follow the courses of the open university and at distance CREDIS – University of Bucharest, department for primary school teachers and Romany teachers.

### **f. Web page for the study of the Romany language and education for Romas**

On the page for the education of the Romas within the web page of the MERY ([www.edu.ro](http://www.edu.ro)), in the section for education in the languages of minorities was substantially enriched with new materials, especially educational materials on electronic support.

### **g. Database on education for Romas**

In 2002-2003 school year the data provided by the school inspectorates on the education for Romas is interpreted in a different manner so that they can easily be consulted from the general table on school attendance of Roma pupils in the current school year.

## **SECTION IIb**

**Measures taken in response to the Committee of Ministers' recommendation to take appropriate account of the various comments contained in the Advisory Committee's opinion**

## II. GENERAL REMARKS ON THE STATE REPORT

8. The Advisory Committee regrets that the Romanian authorities did not hold significant consultations while the State Report was being prepared. It appears, for example, that the organisations and institutions representing minorities, above all the Council of National Minorities, were not informed that the Government was submitting the State Report. In the same way, many state bodies and services particularly concerned with minority questions, including the then Department for the Protection of Minorities (now called Department for Inter-ethnic Relations) and the National Office for Roma, were not informed that the State Report was being prepared.

*- The present Report was assembled in close co-operation with the Department for Inter-Ethnic Relations and the Council of National Minorities. Various NGOs involved in the protection of national minorities were informed about its preparation (Opens Society Institute, Pro Democratia, Project on Ethnic Relations). For details concerning the consultation of the organizations of national minorities see Appendix 3.*

## III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

### ART. 3 of the Framework Convention

18. It has been suggested that the Csangos are to be found among those "other nationalities". The Advisory Committee takes the view that, given the historic presence of the Csangos in Romania and the specific elements of their identity, the Romanian authorities should favourably consider the extension of the Framework Convention to persons stating that they are members of this community and should explore this question in consultation with the representatives of the Csangos.

*- The Census of 2002 included the Csangos as such in the questionnaires. The complete results can be found in the relevant part of this Report. 1.266 individuals declared themselves Csangos.*

*- As the extensive chapter on education of the Report shows, the Csangos have now access to education in their mother tongue (Hungarian), in the Bacau County, where this minority is concentrated.*

20. Article 3 of the Framework Convention guarantees persons belonging to national minorities the right to choose freely whether or not to be treated as such. Freedom to identify, or not to identify, with the name used to designate a minority is one essential aspect of this right.

*- The census of 2002, took into account this provision, as the relevant tables included in the Report demonstrate further.*

21. The Advisory Committee notes that many members of the Roma community refuse to be called "Gypsies" ("țigani"), because of the name's pejorative associations with the period of bondage. The forms used in the next census should also ensure that there is no confusion between Turks and Tartars, and permit a clear choice of one identity or the other. It also favours the idea of recruiting and training observers from minority groups, who could play a useful role in making minorities understand the importance of the census.

1. This recommendation was integrated during the 2002 census, the respective field of the questionnaires being entitled: Roma (Gipsies) - in order to avoid confusions.
2. Turks and Tartars were also treated separately.
3. The Council of National Minorities played an important role in preparing and running the census of 2002, also by direct participation of ethnical observers.

#### **ART. 4**

22. Concerning implementation of Article 4, paragraph 1 of the Framework Convention, at the constitutional level, it is to be noted that Article 16 of the Constitution guarantees the general principle of equality, whereas Article 6 paragraph 2 requires that any measure taken to promote the right to identity complies with the principles of equality and non-discrimination. As concerns the Criminal Code, Articles 247 and 317, are of relevance, but punish only certain discriminatory acts and have a limited scope of application. All in all, the combination of these constitutional and legal provisions has not proven its effectiveness to tackle the issue of discrimination.

- *The Constitution of Romania, republished in 2003, stipulates as follows:*

*Art. 4. Unity of the people and equality among citizens.*

*(1) The State foundation is laid on the unit of the Romanian people and the solidarity of the citizens.*

*(2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, **ethnic origin**, language, religion, sex, opinion, political adherence, property or social origin.*

*Art. 6. Right to identity*

*(1) The state recognizes and guarantees to the persons belonging to national minorities the right to preserve, develop and express their ethnical, cultural, linguistic and religious identities.*

*(2) The protection measures taken by the state for the preservation, development and expression of the identity of the persons belonging to national minorities must be consistent with the principles of equality and non-discrimination with respect to the other Romanian citizens*

- *By the revised Constitution, the establishment of the National Council for Preventing and Fighting Discrimination, and by the intermediary of the Government Ordinance no. 137/2000 concerning the prevention and sanctioning of all forms of discrimination, the contradictions were eliminated. By the same legislation, the CNCD (National Council for Preventing and Fighting Discrimination) was empowered with the means and legal instruments in order to fight, to ascertain and to sanction of all forms of discrimination, according to the European directives 43/2000/EC and 78/2000/EC.*

26. The Advisory Committee wishes to draw attention to a serious matter of general importance to the policy of Romania concerning the protection of national minorities. It notes that there are wide discrepancies between official statistics of the Government and the estimates of national minorities about the numbers of persons belonging to national minorities in Romania. The Advisory Committee therefore considers that the Government should seek to identify ways and means of obtaining reliable statistical data.

- *In spite of the legal and procedural measures taken by the Romanian authorities, aimed at removing these discrepancies, they continued after the 2002 census. The problem of the Roma population was evidentiated, the Roma representatives advancing highly different figures. The main reason resides in the reluctance of the Roma individuals to declare themselves as such,*

*preferring other nationalities, due to their sensible status in the Romanian society. From this point of view, real progresse was made, as demonstrated by the census held in 2002, when 535.140 persons declared themsevles Roma ethnics. In 1992, only 401.087 persons were recorded as such.*

27. ...The Roma in Romania face a broad range of serious problems to a disproportionate degree. This state of affairs certainly justifies that specific measures be designed and implemented to tackle these problems. The Advisory Committee finds the current situation in the areas of education (see comments under Article 12), employment (see comments under Article 15) and health particularly alarming.

28. The Roma are seriously disadvantaged in relation to health care. The Advisory Committee is notably deeply concerned by credible reports from various sources that maternity units in some hospitals refuse to issue birth certificates to mothers - most of them Roma - who are unable to pay the bill of their childbirth. This practice is also denounced in the Special Report of the People's Advocate. According to other allegations, some public hospitals also refuse to treat members of the Roma community, on the grounds that they can neither afford to pay for their medical treatment nor prove that they are covered by a medical insurance. In view of the Roma community's health situation, the Advisory Committee further stresses the importance of developing preventive measures in this field.

29. ...it is essential that the Romanian Government ensure that - regardless of their margin of discretion in this area - local authorities implement Act No. 67/1995 on social welfare with due respect for the principles of equality and non-discrimination, and so fulfil their responsibilities to the Roma community. The Advisory Committee is also of the opinion that the Government should examine the possibility of improving the situation by drawing up guidelines for local authorities, in order to harmonise the implementation of Act No. 67/1995.

*- Taking into consideration the Romanian Government's will to improve the national minorities' condition, proved by the voluntary adhesion to the international instruments of the Council of Europe, such as the Framework Convention for National Minorities' ECRI Recommendation no.3, Recommendation 1203 of the Parliamentary Assembly of the Council of Europe, the UN Convention regarding the Elimination of All Forms of Racial Discrimination, as well as other international documents, the Romanian Government adopted the following guiding principles to apply the Strategy for improving the condition of the Roma:*

***a.** The consensus principle - The Strategy for improving the condition of Roma is the result of a joint effort of the Government and the representative organizations of the Roma community. The application of the programs and projects laid down in the plan for the implementation of the strategy will be achieved in consultation with the Roma organizations' representatives.*

***b.** The social utility principle - The strategy corresponds to the specific needs, which the Roma ethnic group is confronted with and achieves the social framework in which the Roma can functionally integrate in the community and society.*

***c.** The principle of sectorial distribution - The strategy is conceived and applicable by areas of sectorial responsibility.*

***d.** The decentralization principle - The application of the strategy will be achieved based on specific responsibilities of the institutions and public authorities through the involvement of the NGOs in the implementation of local programs deriving from the Plan of measures to apply the strategy.*

*e. The legal compatibility principle - The stipulations of the strategy are in consonance with the Constitution and the Romanian laws and also with relevant international law and practice.*

*f. The identity differentiation principle - the strategy is aimed to help create an institutional system of community development, fight against discriminations towards the Roma, promote intercultural education, raise elite from among the Roma, achieve social solidarity and reconstruct the identity of the Roma community.*

*g. The principle of equality - The protection of Romanian citizen that are Roma ethnics should not affect the rights and freedom of the other Romanian citizens.*

*Extensive information on the implementation of the Strategy and of its specific programmes and projects is to be found in the relevant part of the Report.*

31. The Advisory Committee is concerned by the negative image which Roma identity often has in Romania today, and which makes members of the community conceal their identity instead of affirming and asserting it. The Advisory Committee also believes that the Plan and other initiatives for the Roma cannot succeed unless they are devised and implemented in consultation and co-operation with the Roma community, and unless those involved in them show understanding and respect for Roma culture.

### **General information**

*In accordance with the programming documents of Romania's accession to the European Union, the fulfilment of the objectives laid down in the Government's Strategy for Improving the Condition of the Roma<sup>1</sup> is a priority for the Department for Interethnic Relations/Office for Roma Issues. These objectives entail political commitment for social policies focused on preventing and combating institutional and social discrimination, preserving Roma identity, ensuring equal chances for the achievement of a decent living standard and encouraging Roma participation in the economic, social, cultural, educational and political life of Romanian society.*

- *In June 2003 – May 2004, the Romanian government approved a series of legislative measures designed to ensure the appropriate institutional support for the implementation of the Government Decision (GD) No. 430/2001<sup>2</sup>, respectively to restate the role of the Office for Roma Issues (ORI) as the executive body of the Joint Committee for the Implementation and Monitoring of the Strategy (JCIM). The JCIM is mentioned in chapter VIII of the Strategy as one of the bodies organizing and implementing the fulfilment of the General Plan of Measures of GD No. 430/2001.*
- *In 28 June 2003, the Romanian Government approved the Government Emergency Ordinance (GEO) No. 64/2003 regarding the establishment, organisation, reorganisation and functioning of some structures within the government's working apparatus, the ministries and the other public institutions, published in the Official Journal of Romania (OJR) No. 464 of June 29, 2003. On the provisions of the art. 2 par. (3), the General Secretariat of the Government (GSG) took over the Office for Roma Issues (ORI), an institutional structure without legal person status, from the former Ministry of Public Information.*

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<sup>1</sup> Further referred as the Strategy

<sup>2</sup> on the approval of the Strategy for Improving the Condition of the Roma

- Starting with July 3, 2003, on the provisions of art.8 par.(2) from GD No. 747/ 2003 regarding the organization and functioning of the GSG, published in the OJR, No. 488 from July 7, 2003 part one, the ORI functioned within the organizational structure of the GSG.
- On July 3, 2003, the Romanian government approved the GD No. 749/2003, regarding the organisation and functioning of the Department for Interethnic Relations (DIR), which is subordinated to the prime-minister and coordinated by the minister for the GSG. DIR took over the activities on the national minorities from the former Ministry of Public Information.
- On March 23, 2004 the Romanian government has approved GEO No. 11/2004 regarding measures for the reorganization of the central administration, published in the Official Journal No. 266 of March 25, 2004. On the provisions of the art.1 par.(1) d), the Department for Interethnic Relations is a structure within the government's working apparatus, without legal person status, subordinated to the prime-minister and coordinated by the minister of the GSG.
- On March 23 2004 the Romanian government has also approved GD No. 407/23.03.2004 for the amendment of GD No. 749/2003 on the organisation and functioning of the Department for Interethnic Relations, published in the Official Journal No. 273 of March 29 2004, part 1. According to Art. 1, par. 1<sup>1</sup>) of GD 407/2004 the Office for Roma Issues functions within the structure of the Department for Interethnic Relations. According to Art. 1, par. 1) of the same document the Implementation Unit for the PHARE RO/2002-586.01.02 programme "Support to the Strategy for improving the condition of the Roma" functions within the Office for Roma Issues. Finally, Art. 2 of G.D. 407/2004 stipulates the transfer of staff from the Office for Roma Issues and PHARE Implementation Unit from the General Secretariat of the Government to the Department for Interethnic Relations.

*By the establishment of the Department for Interethnic Relations, the framework of a more efficient coordination of the ORI, as an executive body of the JCIM, was created. Furthermore, the decision of the Romanian Government at the end of 2004 to transform ORI into a separate institution (National Agency for Roma), will ensure the speeding up of the implementation of the Strategy and the evaluation of the General Plan of Measures in the first four years of the Strategy lifetime.*

### ***Administrative capacity***

*In January 2004, the order of the minister for GSG No. 346/2004 on the modification of the composition of the Joint Committee for Implementation and Monitoring of G.D. No. 430/2001 on the Government's Strategy for improving the condition of the Roma was issued. According to this order, the JCIM presidency is held by the Secretary of State of the Department for Interethnic Relations. In addition, there were reconfirmed or appointed new members of the committee, including members of the Roma organisations from Romania.*

*Currently following the reorganization of the DIR, the JCIM presidency is held by the president of the National Agency for Romas.*

*In the reference period, six meetings of the JCIM were organized having as objectives to analyse the status of the activities specific for each ministry within the Strategy for improving the condition of the Roma and to discuss new attempts to access funds from other international institutions in order to achieve the objectives of the Strategy. It is envisaged that these attempts will specifically address fields insufficiently tackled within the public policies or the projects of institutions and NGOs.*

### **Local experts for Roma**

*According to chapter VIII "Structures" 4) of the G.D.430/2001, the local experts for Roma should have been employed within town halls. Their responsibilities are stipulated throughout the GD 430/2001, respectively the application of the Strategy at the local level. The experts for Roma are the main interface between public authorities and Roma communities; they are subordinated to the mayor and also to the County Offices for Roma.*

*At the end of 2003, the ORI recorded 146 persons registered as local experts for Roma, who were employed as collaborators or by plurality of responsibilities in 40 counties. In fact, the real number of the local experts for Roma of Roma origin, who are permanent employees of town halls and are dealing effectively with the application of the Strategy locally or accessing different sources of financing, is very small.*

*One of the tasks of the experts from the County Offices for Roma and from the town halls is to draw up the county plans of actions, on the basis of the General Plan of Measures from GD 430/2001. These county plans will be included in the indicative annual programme for the social and economic development of the county, discussed and assumed by the Consultative Commission, included in the state budget and presented to the decentralized public services and to the local and county public administration.*

*It is difficult to evaluate the funds allocated for the General Plan of Measures of the Strategy at local and county level without the involvement of the prefects and the use of legislative and management procedures specific for their status.*

### **Health mediator**

*The health mediators is a new initiative for Romania, a result of the lobby organized by the Chamber of Deputies President, the Commission for Culture, Religious Affairs and the Rights for Minorities and the collaboration between the responsible institution and Roma NGOs. The majority of these persons were identified by the Roma Party and other Roma organizations. Their training - 136 women from Roma communities numbering over 500 persons - was possible with the support of Romani Criss organization and the Ministry of Health (MH), in accordance with the Order of the MH No.619/2003 art.3. The health mediator position has been institutionalized. The 136 women have been employed by the Public Health Directorates, which are coordinating the activity of the mediators and are sending monthly reports on the common activities to the Ministry of Health.*

## ***The budget allocated to the Strategy for improving the condition of the Roma***

### ***The ORI Budget in 2003***

*The Implementation Unit, within the Office for Roma Issues, implemented the PHARE Programme 2002/000-586.01.02, “Support to the Strategy for improving the condition of the Roma”, totalling 6 MEURO. The programme has two major components: the first one, totalling 1.2 MEURO, aims to strengthen the institutional capacity of the structures implementing the Strategy for improving the condition of the Roma and their partners in order to apply the provisions of the G.D. No. 430/2001; the second component, totalling 4.8 MEURO (4.452 MEURO for investments and 0.348 MEURO for technical assistance for the project management), aims to build active partnerships between Roma representatives and public institutions in order to jointly design and implement projects in the following fields: housing and small infrastructure, vocational training, income generating activities and access to health.*

*In 2003, on the provisions of the Law No. 632/ 2002 regarding the state budget for 2002, a total of 56.65 bn. ROL was provided and was administrated within a governmental programme titled „**Partnership for Roma Support 2003**”. The programme targeted the public authorities working and promoting actions for the improvement of the condition of the Roma, on the basis of projects. Approximately 80% of the total was allocated to projects in the fields of: refurbishment of houses of 4327 beneficiaries - around 24% of the overall sum; small infrastructure (access to public utilities, road reparation) for 5222 beneficiaries - 33% of the overall sum; land purchasing, farming and other income generating activities (tailoring workshops and training, carpentry, brickyard, sanitation services) for 701 beneficiaries - 18% of the overall sum; a campaign to improve the image of the Roma and the fulfilment of priority No.9 from the Accession Partnership 2003 - 5%.*

### ***The ORI budget in 2004***

*In November 2003, the Law No.507/2003 on the state budget for 2004 was adopted and published in the Official Journal of Romania No. 853 of December 2<sup>nd</sup>, 2003, which stipulates in its annex No. 3 a total amount of 64 bn ROL for the implementation of the “National Strategy for Improving the Condition of the Roma”. As in 2003, the funds will be administrated within a governmental programme titled “2004 – the year of local communities in Romania” and will target the public authorities which are working and promoting actions regarding the improvement of the condition of the Roma, on the basis of projects. These projects will be developed and implemented through partnerships built between the local public administration and the initiative groups of the Roma communities.*

*On May 14<sup>th</sup> 2004 the Grant Scheme of the PHARE 2002 programme “Support to the Strategy for improving the condition of the Roma” was launched. Totalling 4,452 MEURO, this programme is designated to the elaboration of projects in the fields of housing and small infrastructure; vocational training, income generating activities and access to health. The programme seeks to improve and to strengthen the Roma communities’ capacity and their degree of participating to the economic, social, educational and political life of the Romanian society.*

*As part of the Institutional Building component of the PHARE RO/2002-586.01.02 programme “Support to the Strategy for improving the condition of the Roma”, an Intensive Training Programme was carried out between 12 November 2003 and 12 April 2004. The training took the form of a Local Capacity Building Course programme being run in seven locations throughout Romania. In all there were 14 courses involving 4 teams of 3 trainers which ran between 1 February and 12 March 2004 for 34 Roma County Experts (BJR), 157 NGO representatives, one Roma local expert, 81 participants from the Health Sector and five members of the Project Implementation Unit and three members of the Office for Roma Issues (ORI). The courses covered 7 modules including community development, participatory strategic planning, sustainable partnerships, legislation, teamwork, project writing, development of action plans and access to health care. The course was well received and highly evaluated by the participants in the immediate term. Other training will take place later in the year, including topics as the right to health care and training of trainers.*

*An equally important activity of the above-mentioned PHARE programme was the Support to Communities Component, which started with a preparatory workshop for the Community Development experts (RCDE) in March 2004 and was followed by eight regional workshops throughout Romania for County Roma Experts, NGO representatives and local experts for Roma. These workshops were designed to build capacity at local level for partnership development with the aim of developing action plans. These action plans, together with those developed at the Local Capacity Building course, provide a baseline of potential initiatives to support in the rest of the support to communities phase.*

*All these actions had been designed to improve capacity of county and local actors and to support the development of sustainable partnerships between Roma communities and the public institutions at local and county level. The partnerships are expected to result in community development projects to be submitted to the second component - Grant Scheme - of the PHARE RO/2002-586.01.02 programme “Support to the Strategy for improving the condition of the Roma”.*

*The Office for Roma Issues, in partnership with a non-governmental organisation, has developed an integrated programme for Zabrauti area in the 5<sup>th</sup> district of Bucharest. This new approach includes activities which will cover the following fields: housing, small infrastructure, income generating activities and health. The programme will be financed by the Council of Europe Development Bank and is currently in the prefeasibility study phase.*

*The ORI envisages a partnership with the United Nations Development Programme (UNDP) in the implementation of the programme “Activities for the Implementation and Monitoring of the Strategy for Improving the Condition of the Roma” during the year 2004. Thus, the ORI will benefit from UNDP’s significant experience and expertise in implementing local development and social inclusion projects for vulnerable groups.*

*Within the framework of accessing funds for the financial support of the National Strategy for Improving the Roma Condition, the Office for Roma Issues, through its PHARE Programmes Implementation Unit, has been participating, since June 2003, to the programming exercises of the “PHARE Multiannual Programme 2004-2006”, which will be implemented starting with 2005.*

*In addition, the Secretary of State of the Department for Interethnic Relations is the national coordinator of the World Bank initiative “Decade for Roma Inclusion 2005-2015”, a*

*programme which is currently in the stage of planning and development of sector action plans, with emphasis on Roma in difficult situation. The programme is due to start in 2005.*

***The budget allocated to the strategy by line ministries***  
***Ministry of Health***

*The Strategy measures for which the Ministry of Health is directly responsible are being implemented as part of the National Programmes for Health. The funds for the financing of the health mediator network derive from a separate budgetary source. In 2003, they amounted to 5.254 bn. ROL, whereas in 2004 14.5 bn. ROL are provisioned in the same direction.*

***Ministry of Education and Research***

*The Ministry of Education and Research (MER) has continued to implement strategic measures and programmes for Roma youth and their Roma teachers. Some of them were delivered in partnership with NGOs with the latter providing the financing. Others were carried out with governmental and/or intergovernmental finance.*

*Regarding the Strategy for Improving the Condition of the Roma, MER continued programmes which had previously proved efficient. A first result was the establishment of school inspectors for Roma within the County School Inspectorates. At the moment, there are 20 inspectors of Roma origin and 22 non-Roma inspectors in the 42 counties of Romania. They are responsible for issues of Roma education at county level.*

*MER has further allocated special places for the admission of young Roma secondary-school graduates in faculties and university colleges. In 2003/2004 school year 422 special places were allocated in 39 universities and 93 places at Bucharest University Department for Open Distance Learning, which teaches Roma school masters. MER has also allotted special places for young Roma graduates of primary school for admission in secondary schools and art and craft schools. In the 2003/2004 school year 1918 places were accordingly allocated.*

*MER is currently implementing the PHARE 2001 8.33 MEURO programme “Access to education of disadvantaged groups, with a special focus on Roma children”. The programme has been carried out in nursery-schools and schools from 10 counties since 2002 and is due to finish this year. It will be extended to a further 12 counties under PHARE 2003 programme.*

*Other activities, focused on preschool children, pupils, youth, Roma and non-Roma teachers, Roma mothers, have included:*

*The appointment of 60 school mediators in schools from 10 counties included in the PHARE 2001 programme. They will be trained in parallel by the College for Teachers of Cluj-Napoca during 2004.*

*The training of Roma and non-Roma teachers and inspectors working with Roma children*

*The inclusion of young Roma aged 15 to 30 in the “Second Chance” programme*

*The setting up of “Mothers’ Schools” in the communities close to the schools included in the PHARE 2001 programme.*

***Ministry of Administration and Interior***

*The Ministry of Administration and Interior (MAI) has continued to implement specific measures in its field of work: population data recording, employment of Roma personnel, employment of police officers proficient in Romani language, other measures which directly benefited Roma communities. Some action/projects were carried out with governmental finance, while others were implemented in partnership, with funding provided by international organisations/institutions.*

*Regarding population data records, the partnership between the General Department for Personal Data Records and "Romani Criss" NGO resulted in the registration of 6,376 persons without civil status papers and 51,579 persons without identity papers in 2003. A significant number of identity and civil status papers were issued through the partnership between the County Police Inspectorates and the Roma Party: 6,254 persons received civil status papers and 51,959 persons received identity papers. The heads of the County Bureaux for Personal Data Records along with specially assigned civil status officers are further cooperating with Roma experts from the County Offices for Roma and Roma Party representatives in analysing the issuance of identity and civil status papers for the Roma.*

*According to the provisions of the General Plan of Measures of the Strategy, departments of the MAI are carrying out specific activities and projects in Roma communities with foreign financing.*

### ***National Agency for Employment***

*The Job Exchange for Roma has been organised nationally in 2004 too. In addition to the regular promotion activities involving contacts with companies and media campaigns, a central steering committee has been set up in the month before the job exchange to evaluate weekly the actions undertaken in this respect. The steering committee included public institution directly involved – the Ministry of Labour, Social Solidarity and Family, the National Agency for Employment and the Office for Roma Issues – and Roma NGOs representatives. Job Exchanges for Roma were set up in each county and are currently under evaluation.*

*The special approach of the Job Exchange enabled Roma seeking for a job to directly put forward their services to the employers in "face-to-face" conversations. Thus, the intermediary stages of identifying appropriate job offers and programming interviews were eliminated.*

### ***National Agency for the Protection of Children's Rights***

*National Agency for the Protection of Children's Rights (NAPCD), as special body at central level, subordinated to the Ministry of Labour, Social Solidarity and Family, is financing with state budget funds National Interest Programmes (NIPs) related to the all Romanian children, including Roma, who are placed in the social protection system: social inclusion programmes of street children, shutting down the old-type institutions for children with disabilities/special needs, which can no longer be rehabilitated/restructured, social-vocational inclusion of institutionalised young persons of age, reinclusion and support for the repatriated children.*

32. The Advisory Committee recognises that, as a result of the regulations adopted and policies pursued by the Romanian authorities, inter-community relations have become

markedly less tense in recent years and that a climate of greater tolerance has developed. It notes with satisfaction the improvements achieved, inter alia, between the Hungarian minority and other parts of the population of Romania. It also welcomes the recent decision taken by the Government to establish in Cluj an Institute for the Study of National Minority Issues.

*- The Institute for the Study of National Minority Issues was set up by the Government Ordinance 121/ 2000, approved by the Law 396/ 2001. The set up of this institute is also included in chapter 13 of the Protocol related to the collaboration between the Social Democratic Party and the Democratic Union of the Hungarians in Romania, concluded on February 19, 2003. The Institute for the Study of National Minority Issues does not function effectively. There are still discussions at political level concerning the activity of this body. At the same time, some other similar research institutes exist at Bucharest, under the co-ordination of the Romanian Academy.*

37. With respect to Article 6 paragraph 2 of the Framework Convention, the Advisory Committee is deeply concerned about the persistence of numerous acts of discrimination in Romania, many of them directed at members of national minorities, especially at Roma. It believes that fuller integration of the Roma cannot be confined to a strictly social approach, but requires, first of all, recognition and elimination of all the forms of discrimination which they face.

*- Detailed information, statistics and case examples on tackling the discrimination issue can be found in the answer to the question on the activity of the National Council for Fighting Discrimination, addressed by the Consultative Committee, included in the Report.*

## **ART. 6**

41. In view of various submissions made during its visit to Romania and in the light of information made available to it, the Advisory Committee is particularly alarmed by the fact that police searching Roma homes or arresting Roma suspects sometimes use undue force. Various sources report that night-raids by police, marked by a massive use of force - and sometimes gas - and verbal and physical violence indiscriminately directed at suspects and neighbours, still happen in Romania. These practices, some cases of which are also cited in the Special Report of the People's Advocate, have disastrous psychological effects on the persons concerned and are bound to undermine the community's confidence in the police. While the Advisory Committee welcomes the efforts already initiated by the Romanian authorities, notably in the field of human rights training, it believes that the Government should consider further measures to improve relations between minorities and the police, as well as to increase tolerance among police. Such measures could include, inter alia, special efforts to recruit persons belonging to minorities to serve as police officers.

42. In view of this situation, the Advisory Committee considers that the Government has still not done everything it can to protect persons exposed to intimidation, discrimination, hostility or violence because of their ethnic, cultural, linguistic or religious identity. In relation to the two preceding paragraphs, the Advisory Committee is therefore of the opinion that the present situation is not compatible with Article 6 paragraph 2 of the Framework Convention.

*- In this respect, please refer to the Report of the National Council against Discrimination, extensively quoted hereinafter.*

46. The Advisory Committee is concerned, however, at the uneven distribution of resources, concerning both television and radio programmes, among the various minorities. It considers the present situation problematic, since one of the main minorities, the Roma community, seems to have far less airtime than the others, particularly for programmes in its own language. Some programmes for Roma also appear to have been dropped. It is therefore important that the authorities look into this matter, and try to revise the balance - but without cutting airtime for other minorities.

47. The Advisory Committee also notes that the time slots allocated for minority radio and television programmes do not make it possible to reach a maximum number of listeners and viewers in the target audience. It is of the opinion that the authorities should examine this situation and try to find ways of improving it.

*- In this field, considerable progress can be ascertained, but problems still persist at local level in some counties. The actual regulation respects entirely the guidelines disseminated in 2003 by the OSCE High Commissioner on National Minorities, Rolf Ekeus. The specificity of the broadcast industry and its inherent technical limitations are accounting for a large part of the deficiencies noted.*

*- As an independent expert pointed out, the elements to take into account are: the existence of a serious media tradition for several minorities (e.g., the Hungarian and German minorities); the participation of a minority in the current government (i.e., the Hungarian minority); the geographically localised character of minorities. As a result of these factors, the access of minorities to the media is somewhat differentiated. The Hungarian minority has several local newspapers and radio stations; to this we could add the weekly two-hour broadcast on the state television. The same is true for the German minority. But the presence of the Roma in the media is somewhat different. They are rather evenly spread throughout the country, but their cultural assimilation in the mainstream population, as well as their social status is very different. That is, the Roma minority is as diverse and divided as is the majority of the population. As a result, their representation in the media is not what it should be. The Roma minority also has a two-hour programme each week, but it is quite different from what the other two major minorities offer. While the Hungarian and German minorities offer information concerning the cultural and political life of their communities, as well as series concerning their history, the Roma minority presents mostly information and programmes concerning their cultural traditions. Debates over human rights issues are broadcast only when cases of inter-ethnic conflict or the neglect of human rights (which involve members of their minority) appear. The rest of the minorities (and in the parliament, the Minorities Group is composed of the representatives of 17 minorities) have a similar broadcast (i.e., two hours weekly for all) - Carol Capita, Country Reports on MediaRomania*

***- Broadcasts in the national minorities' mother tongues on the public TV channels, in 2003:***

*Throughout 2003, the Magyar Bureau had a production consisting of 205-210 minutes per week, meaning 10,660 minutes, or 178 broadcast hours (plus other 30 minutes per week, amounting to 26 hours of broadcast, re-aired by Romania International TV station).*

*All the year long, there was an effective co-operation with the fellow journalists at the Cluj Territorial Station, both from the point of view of the editorial policy and regarding the production of common materials. The Bureau also produced special Christmas and Easter programmes (including a show of music and humour recorded at the Palace of Culture in*

*Targu Mures); at the same time, the public welcomed an initiative of the fellow journalists with the Spiritual Life Bureau consisting of broadcasting specific materials, with subtitles. In 2003, the Kronika programme extended its broadcast time, the necessity of the 6 new headings added to those already established being confirmed by the letters received from the viewers.*

*The Bureau also aired programmes on important political and social events (the UDMR Congress, the Referendum on the Constitution, etc.), social and cultural documentaries, reports on the occasion of the Year of People with Disabilities, portraits of personalities belonging to the Magyar minority (Domokos Geza, Benko Samu, Galfalvi Zsolt), etc.*

*By adding subtitles to 95% of the programmes (except for those aired live), the Bureau has succeeded to maintain its audience among the Romanian viewers.*

*During 2003, the **German Bureau** produced programmes aimed to the German minority in Romania, as following:*

*90 minutes of broadcast on Romania 1; 2003 was the first year when special headings, created for Easter and Christmas, were created (and broadcast within the Spiritual Life programme);*

*60 minutes within the broadcast of the TVR 2 station;*

*60 minutes were assigned to programmes in German aired by the Romania International TV station.*

*It follows from here that during 2003 the German Bureau had 4,110 minutes of production aired on Romania 1 and 2,500 minutes aired on TVR 2, the total time of production and broadcast amounting to 6,610 minutes.*

*The Foreign and Minorities Broadcast Service has focused its activity on programmes for the national minorities. This division, co-ordinated exclusively by the editorial staff, showed a qualitative improvement in 2003; at the same time, the level of representation of all national minorities in Romania in the broadcasts of the three Romanian Television channels has increased.*

*The 272 minutes of weekly broadcast are assigned to the following programmes:*

*„Living Together”, aired on Romania 1 – 60 minutes;*

*„First Step”, aired on TVR 2 – 52 minutes meant for the Roma minority;*

*„Together in Europe” – 52 minutes on every third Friday on TVR 2;*

*The documentary entitled „Danube, a river that unites us” – new programme, meant for the minorities living on the left bank of the Danube (once a month), alternating with „The Visit” – broadcast for children produced in co-operation with the youth and children bureau (once a month); „Identities” – three editions, 30 minutes per week each, on the TVR Cultural station.*

**Please see also APPENDIX 1 (in Romanian only, for the moment), which contains the 2004 Report of the National Broadcasting Company Editorial boards for national minorities.**

49. As concerns Article 10 paragraph 2 of the Framework Convention, the Advisory Committee notes that the Parliament adopted in early 2001 a Law on local public administration. The Advisory Committee welcomes the fact that this Law would expressly

authorise, *inter alia*, the use of minority languages in dealings with local authorities in areas where minorities account for more than 20% of the population. This possibility, which would constitute an important step in the implementation of the Framework Convention, would put an end to the legal uncertainty now prevailing in this area.

*- One section of the Report, respectively the answer to the relevant question of the Advisory Committee, contains all the necessary details on the implementation of the law.*

52. The Advisory Committee takes notes of the considerable efforts made by the Romanian authorities concerning minority education. It welcomes the many improvements - particularly increased possibilities of using minority languages - introduced by Act No. 151/1999, amending Act No. 84/1995 on education, as well as the efforts made by the Ministry of National Education to develop literature, history and traditions of national minorities in the curricula.

*- The Report contains an extensive chapter on education for national minorities.*

54. The Advisory Committee is also concerned at reports from various sources that history teaching does not sufficiently reflect Romania's ethnic diversity, although Article 120 (3) of Act No. 151/1999 provides for this. The Advisory Committee considers that the Romanian authorities should explore, in consultation with representatives of the national minorities, approaches to the teaching of history more designed to enhance the intercultural dialogue promoted by the Framework Convention.

*- The Report contains an extensive chapter on education for national minorities.*

56. As concerns Article 12 paragraph 3, the situation of the Roma, who are still not guaranteed equal opportunities for access to education, gives cause for deep concern and differs noticeably from that of other minorities and the majority.

*- An assessment concerning the governmental Strategy for the Roma and a special chapter on Roma education are included in the Report.*

67. The Advisory Committee notes that the above institutional arrangements give considerable weight to one organisation for each minority, for instance the organisation represented in Parliament and/or the Council of National Minorities. This preferential treatment is reinforced by the fact that this organisation receives most of the financial aid allocated by the state to the minority concerned. This creates a risk that other organisations representing that minority may to some extent be sidelined and may not receive adequate state support. This risk is probably greater for the Roma community, which is represented by several dozen organisations and is thus more fragmented. It is therefore important that in the allocation of state support, the Government proceeds not exclusively through the organisations represented in Parliament and/or the Council of National Minorities, but also through the channel of other organisations representing minorities.

According to the art. 62, alin. 20 of the Romanian Constitution, republished, the citizens belonging to a national minority may be represented in the Parliament by one single organisation.

*The law 373/2004 for the election of the Chamber of Deputies and of the Senate regulates the conditions that the legally set up organisations of the citizens belonging to the national minorities participating in the elections have to fulfil in order to gain a seat in the Chamber of Deputies.*

*After the elections for the Chamber of Deputies and the Senate held in November 26 2000, the organisations of the citizens belonging to the national minorities received 19 mandates, one per each (except for the Hungarian minority, that obtained many places in both chambers). In order to support the activity of the national minorities, funds are allocated to all of the 19 organisations through the annual budget laws. The way to distribute and to use these funds are established by governmental decisions. According to the Governmental Decision 141/2004, for ex., the funds are allocated to the organisations of the citizens belonging to the national minorities that obtained a seat in the Chamber of Deputies and are members of the Council of National Minorities.*

- The Government Ordinance no. 26/2000, regulating the associative life in Romania, stipulates that an association can be established by a minimum of three individuals, and that it can have access to budgetary funds, as well as other financing sources, regardless of the size, type and without any prior authorization. In the mean time, according to the same legislation, the associations declared “of public utility” by the Romanian authorities have priority in getting governmental funding. The juridical instrument was elaborated in close consultation with NGOs, being considered a modern legislation.*
- A detailed table on the governemntal funding of various NGOs and projects can be found in the Report.*

#### **ART. 17**

73. The Advisory Committee notes that there are plans in Romania to impose visa requirements on the citizens of a number of countries. The Advisory Committee expresses the wish that this initiative will be implemented in a manner that will not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

- The Romanian government will take all the aproprate measures in order to avoid such problems and, in the same time, in accordance with the obligations imposed by the status of future EU member.*

#### **ART. 18**

74. The Advisory Committee welcomes that Romania is party to numerous bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities. As concerns relations with Hungary, the Advisory Committee expresses the hope that the bilateral joint committee established under the 1996 treaty between Hungary and Romania on understanding, co-operation and good neighborliness will continue to perform its work on a constructive basis, in particular concerning the issue of border crossing points.

- An extensive comment on this issue can be found in the Report, as the opinion was reiterated in one of the questions of the Committee.*

### **SECTION III**

**Answers to the questions raised by the Consultative Committee**

*1) Please outline the results of the 2002 census, in particular questions pertaining to minority belongings and languages of the persons interviewed, and comment on the main trends observed, particularly where the scope of the Framework Convention is concerned.*

**The population by ethnic categories at census of 28<sup>th</sup> March 2002\*\***

Romanians	19.399.597
Hungarians	1.431.807
Gypsies	535.140
Ukrainians	61.098
Germans	59.764
Russians	35.791
Turks	32.098
Tartars	23.935
Serbians	22.561
Slovakians	17.226
Bulgarians	8.025
Croatians	6.807
Greeks	6.472
Jews	5.785
Czechs	3.941
Poles	3.559
Italians	3.288
Armenian	1.780
Csangos	1.266
Other	16.850
Unknown	1.941

**The population by mother tongue at census of 28<sup>th</sup> March 2002**

Romanian	19.736.517
Hungarian	1.443.970
Romany	237.570
Ukrainian	57.407
German	44.888
Russian	29.246
Turkish	28.115
Tartar	21.272
Serbian	20.411
Slovakian	16.027
Bulgarian	6.735
Croatian	6.355
Greek	4.170
Jews	951
Czech	3.381
Polish	2.690

Italian	2.531
Armenian	721
Other mother languages	13.621
Unknown	2.130

\*\* At the census of 2002, the ethnic group **Romanians** included Aromanians; the ethnic group **Hungarians** included Szeklers; the ethnic group **Germans** included Saxons and Swabians; the **other nationalities** included Carashovenians, Albanians, Macedonians.

The Romanians represent 89.5 percent of the population, the Hungarians: 6.6%, the Gypsies: 2.5%, German and Ukrainian minorities: 0.3 percent of the population each.

91 percents of the population declared Romanian as mother language, 6.7%: Hungarian, 1.1%: Romanes, 0.3%: Ukrainian, 0.2%: German.

The composition of the population shows the fact that the percentage of the Romanian majority remains unchanged since the census of 1992.

Concerning the other ethnical groups, generally, their population diminished with 5%. For instance, at 2002 census, the Hungarian population was with 193.000 persons smaller than in 1992. By contrast, the Roma population was larger in 2002 (2.5%) than in 1992 (1.8%), evolution explained by the dissaperance of the reluctance of individuals to declare their real ethnic belonging. The economic conditions and other factors led to a dramatic and irreversible decrease of the German population, confirming an older trend.

**The population by ethnic categories - the following table features the figures of the two census compared:**

	1992	2002
Romanians	20.408.542	19.399.597
Hungarians	1.624.959	1.431.807
Roma	401.087	535.140
Ukrainians	65.764	61.098
Germans	119.462	59.764
Russians	38606	35.791
Turks	29.832	32.098
Tartars	24.596	23.935
Serbians	29.408	22.561
Slovakians	19.594	17.226
Bulgarians	9851	8.025
Croatians	4.085	6.807
Greeks	3.940	6.472
Jews	8.955	5.785
Czechs	5.797	3.941
Poles	4.232	3.559
Italians	-	3.288
Armenian	1.957	1.780
Csangos	-	1.266

Other	8.602	16.850
Unknown	766	1.941

*2) Please outline the latest developments relevant for the protection of national minorities in the context of the current revision of the Constitution and the domestic debate on a possible Law on national minorities.*

## **Introduction**

The Law for the revision of the Constitution of Romania, No. 429/2003, was approved through the national referendum of 18-19 October 2003 and came into force on 29 October 2003, (the date of publication in the Official Gazette of Romania, Part I, of the Constitutional Court Ruling no. No. 3 of 22 October 2003 on the confirmation of the results of the referendum held on 18-19 October 2003 on the Law for the revision of the Constitution of Romania.).

The Constitution of Romania, in its initial form, was published in the Official Gazette of Romania, Part I, no.233 on November 21, 1991 and came into force following its approval by the national referendum of 8 December 1991.

## **Provisions included in the Romanian Constitution, republished:**

### **Art. 4.** Unity of the people and equality among citizens

(3) The state is based on the unity of the Romanian people and the solidarity of its citizens.

(4) Romania is the common and indivisible land of all its citizens, no matter their race, **nationality, ethnic origin, language, religion**, gender, opinion, political affiliation, wealth or social background.

### **Art. 6.** Right to identity

(1) The state recognizes and guarantees to the persons belonging to national minorities the right to preserve, develop and express their ethnical, cultural, linguistic and religious identities.

(2) The protection measures taken by the state for the preservation, development and expression of the identity of the persons belonging to national minorities must be consistent with the principles of equality and non-discrimination with respect to the other Romanian citizens.

### **Art. 32.** Right to education

(1) The right to education is ensured through the general obligatory educational system, the theoretical and professional secondary system, the higher education system, as well as other forms of learning and improvement.

(2) At all levels, teaching takes place in Romanian. Under the provisions of the law, teaching may take place in a widely spoken language.

**(3) The right of the people belonging to national minorities to learn their mother tongue and their right to be educated in this language are guaranteed; the ways to exert these rights are established by law.**

### **Art. 33.** Access to culture

(1) The access to culture is guaranteed, under the provisions of the law.

(2) The freedom of the individual to develop his/her spirituality and gain access to the values of national and universal culture cannot be restrained.

(3) The state must ensure the preservation of spiritual identity, the support to national culture, the stimulation of arts, the protection and preservation of cultural heritage, the development of contemporary creativity, the promotion of Romanian cultural and artistic values all over the world.

#### **Art. 44. Right to private property**

(1) The right of property, as well as the debts due by the state, are guaranteed. The substance and the limits of these rights are established by law.

(2) Private property is guaranteed and protected by the law on an equal basis, no matter the owner. Foreign citizens and stateless individuals may gain the right to private property upon lands only under the provisions generated by Romania's accession to the European Union and other international treaties to which Romania is a party, on a mutual basis, under the conditions stipulated by an organic law, as well as by legal inheritance.

(3) No one may be expropriated unless for a public utility cause, established according to the law, with fair and prior compensation.

(4) Nationalization or any other measures involving the forceful transfer of goods on grounds of social, ethnic, religious, political or any other sort of affiliation of the owners are forbidden.

#### **Art. 62. Election of the Chambers**

(1) The Chamber of Deputies and the Senate are elected by universal, equal, direct, secret and freely expressed ballot, according to elections law.

**(2) The organizations of citizens belonging to national minorities that in elections do not gain enough votes to be represented in the Parliament have the right to one place of deputy, under the provisions of the elections law. The citizens belonging to a national minority may be represented only by one organization.**

#### **Art. 73. Types of laws**

(1) The Parliament adopts constitutional, organic and ordinary laws.

(2) The constitutional laws are those that revise the Constitution.

(3) By organic law are regulated:

a) the electoral system; the organization and functioning of the Permanent Electoral Authority;

b) the organization, functioning and financing of political parties;

c) the statute of deputies and senators, their pay and other rights;

d) the organization and carrying out of the referenda;

e) the organization of the Government and the Supreme Council for Country Defense;

f) the state of partial or total mobilization of the armed forces and the state of war;

g) the state of siege and the state of emergency;

h) crimes, punishments and their execution;

i) granting amnesty or collective pardon;

j) the statute of public servants;

k) administrative courts;

l) the organization and functioning of the Supreme Council of the Magistrates, judiciary courts, Public Ministry and Court of Accounts;

m) the general judicial status of property and inheritance;

- n) the general organization of teaching;
- o) the organization of local public administration, of the territory, as well as the general conditions for local autonomy;
- p) the general status of work relations, trade unions, employers and social protection;
- r) **the statute of national minorities in Romania;**
- s) the general status of religious denominations;
- t) the other fields which, according to the Constitution, should be regulated by organic laws.

**Art. 120.** Basic principles

(1) Public administration in administrative-territorial units is based on the principles of decentralization, local autonomy and deconcentration of public services.

**(2) In administrative-territorial units where citizens belonging to national minorities hold a significant quota, the use of that national minority's language, in writing or speech, is ensured in relation to the authorities of local public administration and the deconcentrated public services, under the provisions of the organic law.**

**Art. 128.** Use of the mother tongue and of an interpreter in the judiciary

(1) The judicial procedure takes place in Romanian.

**(2) The Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the judicial courts, under the provisions of the organic law.**

**(3) The manner of exerting the right stipulated in para. (2), by using interpreters or translations inclusively, will be established so that not to hamper the good management of the judiciary and not to involve further expenses for those in cause.**

(4) Foreign citizens and stateless individuals that do not understand or speak Romanian have the right to be informed about all the documents and proceedings of the case, to speak in court and set conclusions with the help of an interpreter; in criminal trials, this right is granted without charge.

***3) Please provide any available information on the initial results of the work of the National Anti-Discrimination Council relevant to the protection of national minorities.***

**For the latest developments, please refer to Appendix 1, which contains the 2004 Activity report of the National Anti-Discrimination Council.**

**Scope**

The National Council for Combating Discrimination, aiming for the implementation of the principle of equality among citizens and preventing, as well as combating, the discrimination deeds, has in view the achievement of its goals, structured on three primary actions, as follows:

### *1. Preventing discrimination*

Organizing and carrying out of national awareness campaigns based on the equality of chances and the respect for individual rights;

The improvement of the legislative framework on discrimination field by drafting and promoting of internal laws based on European standards, as well as harmonizing the existent laws with the above mentioned standards;

Drafting and signing some protocols on mutual assistance and cooperation with the public administration authorities, for assuring the prevention, sanctioning and elimination of all forms of discrimination;

Creating and developing partnerships with Romanian civil society representatives in view of preventing discrimination;

Constant information of citizens on the activities of the Council, on the possible changes in the legal framework in the discrimination field and on the European expertise in this matter;

Institutional building by creating national work-points for combating discrimination.

### *2. Sanctioning the discrimination deeds*

- Analyzing the petitions and complaints regarding violations of the legal provisions concerning the principle of equality and non-discrimination from natural and legal persons, including NGOs with activities in the field of the protection of human rights and public institutions.

### *3. Cooperation*

- Creating and developing bilateral relations with similar bodies existing in European area;
- Creating and developing a good cooperation with the international NGO's fighting for human rights;
- Creating and developing cooperation relations with national NGO's activating in human rights and preventing discrimination fields;
- Creating and developing cooperation relations with Trade Unions;
- Creating and developing cooperation relations with central public administration authorities;
- Creating and developing cooperation relations with inter-governmental organisations.

Initiatives of the National Council for Combating Discrimination

### *1. National Alliance against Discrimination*

To achieve an effective and functional cooperation with civil society and social partners, the National Council for Combating Discrimination has launched the initiative of setting the National Alliance against Discrimination (NAD). NAD is an open-ended forum of debates of all NGO's which are active in human rights protection and preventing discrimination as well as Trade Unions. The aims of the Alliance are to assist the implementation of the National Plan for Combating Discrimination and to identify certain issues to be solved. Also, members of the Alliance may formulate declarations and recommendations concerning different aspects. So far, there are 40 organisations members of the NAD.

## *2. Inter-ministerial committee for the prevention of discrimination*

To achieve full harmonisation of the internal legislation in the field of anti-discrimination, the National Council for Combating Discrimination has proposed the establishment of an Inter-ministerial committee for prevention of discrimination. Key ministers involved in combating the phenomenon of discrimination, equality of chances and the promotion of legal initiatives are going to be members of the committee.

## *3. Protocols of co-operation*

Recognising both the experience and expertise of different bodies in certain fields, the Council has initiated protocols of co-operation with some ministries and public bodies, in order to support them and to co-operate in organising activities for the prevention of discrimination. So far, there are already protocols signed with the Ministry of Administration and Interior. Protocols with Ministries of Culture and Cults, Youth and Sports, Public Information and Public Administration are ready to be signed.

## *4. University programme*

To promote the concepts of non-discrimination and equality within the universities, the National Council for Combating Discrimination has contacted the universities across Romania in order to establish centres for studies and research of discrimination phenomenon in universities. The aim of this programme is to train specialists in non-discrimination and to familiarise students with situations which can evolve into discrimination deeds. In this respect, is intended to organise seminars, conferences and round tables, to carry out studies on non-discrimination issues and to organise periods of practice for interested students.

## *5. European Alliance against Discrimination*

Keeping in mind the objective of a broad European cooperation to combat discrimination, the Council intends to use the European Alliance against Discrimination as a forum of debates and identification of good practices in different fields. This structure will consist of similar European bodies, and the Secretariat will be in Bucharest. This initiative was very appreciated by the Council partners and is going to be finalised soon. Until then the Council has a close bi-lateral relation with similar bodies from Belgium, Netherlands and Great Britain.

## **Proceedings**

The Steering Board of the National Council for Combating Discrimination, exercising its deliberative role, analyzes the petitions and complains received, and adopts, by decisions, the appropriate measures, after investigations carried by the specialized personal of Council (the Inspection Team). Once a decision adopted, the Steering Board decides over the fine which is to be paid by the person or by the legal entity, for perpetrating a discrimination deed.

The sanctions applied for perpetrating the discrimination deeds can be appealed under the procedure provided by the common law on legal domain of offences<sup>3</sup>.

For all discrimination cases, the victims are entitled to claim damages, proportionally with the prejudice, as well as to the re-establishment of the situation prior to the discrimination or to the annulment of the situation created by discrimination, in accordance with common law. Upon request, the court can order that the competent authorities withdraw the license of legal

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<sup>3</sup> Government Ordinance no. 2/2001 on the legal framework on offences

entities that significantly prejudice the society by means of a discriminatory action or, although have caused a minor prejudice repeatedly violate the provisions of the Government Ordinance no. 137/2000. Human rights non-governmental organizations can appear in court as parties in cases involving discriminations pertaining to their field of activity and which prejudice a community or a group of persons.

Presently, the National Council for Combating Discrimination is undertaking important steps designed to put in place a broader strategy for combating discrimination, but there are also some recent developments that worth being underlined, as they demonstrate the will and the capacity of the Council to tackle, deter and reduce discrimination in various fields.

**In the same line of argument, we must emphasise the real progress made at the basic levels of discrimination: the discriminatory job offers and the reported (or revealed by specific means) cases of discriminatory hiring practices.**

Following the monitoring activity a big number of discriminatory job offers have been noticed. Therefore, the Steering Board of the National Council for Combating Discrimination adopted the Guidelines no.1/2003 concerning the obligations of employers and the representatives thereof, as well as of the authors and makers of publicity announcements and their representatives, with respect to conditioning employee positions in announcements and/or competitions and the publication of such announcements. Based on the provisions of the legislation and this document as well, the Council carried out a sanctioning campaign against newspapers which had published discriminatory job offers. 7 newspapers were sanctioned with warnings.

**„Guidelines no. 1 of March 5, 2003 concerning the obligations of employers and the representatives thereof, as well as of the authors and makers of publicity announcements and their representatives, with respect to conditioning employee positions in announcements and/or competitions and the publication of such announcements  
(Official Gazette no. 235 of 7 Aprilie 2003).**

Under Art. 1 and Art. 7(2) and (4) of Government Decision no. 1194/2001 concerning the establishment and operation of the National Council for Combating Discrimination, as amended by Government Decision no. 1514/2002, considering the provisions of Art. 1.2(e)(i), Art. 2.1 and Art. 2.2, Art .3(a), Art. 4 and Art. 5, in conjunction with Art. 7.2, 7.3 and Art. 9 of Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, as approved and amended through Law no. 48/2002,

The College of the National Council for Combating Discrimination (NCCD) hereby adopts this Guidelines.

Art. 1 – Employees and the representatives thereof announcing the opening of a position through publicity materials and/or messages, irrespective of the means of communication used in the transfer of such information, shall, in accordance with the principle of equality among citizens and the exclusion of privileges and discrimination, ensure free access to all stages in the employment process to all persons, without distinctions, exclusions, restrictions or preferences based on race, nationality, ethnic origin, language, religion, social group or membership in an underprivileged category, age, sex, sexual orientation, and belief, with the exceptions provided under applicable laws.

Art. 2 – The authors of publicity materials and/or messages and the legal representatives of the channel on which they are disseminated shall withhold the publication of materials and/or messages announcing the opening of a position, irrespective of the means of communication used in the transfer of such information, in the event that said materials and/or messages restrict the participation of interested persons in the manner provided for under Art. 1 hereof.

Art. 3 – Failure to comply with the provisions of Art. 1 and Art. 2 above constitutes a minor offense and shall be punishable under Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, as approved and amended through Law no. 48/2002.

Art. 4 – This Guidelines shall come into force upon its publication in the Official Gazette of Romania, Part I.

The College of NCCD

Bucharest, 5 March 2003. No. 1.”

**In the particular field of the discrimination on ethnic criteria, the Council elaborated a "Sectorial strategy for preventing and fighting the discrimination on ethnic minority appartenance grounds". The advanced draft version of the document is available and will be examined and approved in the following weeks.**

The strategic objectives of this initiative are:

1. The optimisation of the legislative and institutional framework
2. Insuring the enforcement of the existing legislation in the field of national minorities
3. Monitoring the media
4. The promotion of positive interethnic relations.

### **Fight against discrimination**

The Council carries out its activity under the Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, approved with modifications by Law no. 48/2002, modified and completed by Government Ordinance no. 77/2003, approved with modifications by Law no.27/2004 and under Government Decision no. 1194/2001 on the organization and function of the National Council for Combating Discrimination, modified and completed by Government Decision no. 1514/2002 and Government Decision no. 1279/2003.

The provisions of the Government Ordinance no. 77/2003, approved with modifications by Law no. 27 / 2004, take into account the provisions of the European documents in the field of anti-discrimination

The modifications in the new regulation concern:

- the definition of the concept of indirect discrimination;
- the insertion of the age and disability into the definition of discrimination;
- the definition of the concept of multiple discrimination;
- the definition and sanction procedure of victimization;

- the introduction of the mediation as an option of solving the discrimination deeds;
- the introduction of the minimal standards;
- the establishment, by law, of the principle of the National Council for Combating Discrimination's activity independence
- specialized assistance provided for discrimination victims

The normative acts mentioned above, elaborated in conformity with the European directives 43/2000/EC and 78/2000/EC, establish the following main competences for the Council:

- investigation of discrimination deeds on the basis of intimations and self-formulated complaints
- sanctioning the discrimination deeds by contraventional fine
- mediation of discrimination deeds
- proposing and setting up of special measures and affirmative actions for preventing the deeds of discrimination
- proposing projects of normative acts that view the exercise of rights and liberties in conditions of equality and non-discrimination
- co-operation with competent public authorities in view of harmonizing the internal legislation with the international law in the field of non-discrimination
- co-operation with non-governmental organizations that view the protection of human rights
- co-operation with similar organizations and with non-governmental organizations in the field of human rights in other states as well as with specialized international organizations.

In accordance with the activities described above, the deliberative body of the National Council for Combating Discrimination in analyzing the complaints, deciding and sanction the discrimination deeds is the Steering Board, appointed by the Prime Minister on basis of Ministries proposals.

Following the ascertaining of the discrimination deeds, the discriminated persons may address to the civil instances for redressing the prejudice and to recover damages. The demands are free of judicial taxes. Also, in order to emphasize the role of the civil society in this process we mention that NGOs which pursue the protection of human rights can appear in court as parties.

Taking into account this procedure, the role of the Council as well as the provisions of article 8(5) of the racial Directive and of article 10(5) of the Directive on the elimination of discrimination in employment, Romania meets the conditions regarding the reversal of burden of proof.

In 2003 the National Council for Combating Discrimination has received 456 complaints and intimations from natural and legal persons, governmental and non-governmental institutions.

Most of the complaints which came within the Council's competence, notified discrimination deeds on ground of ethnic origin or appartenance to a social category. Also, the Council has been notified on discrimination deeds on grounds of sex and sexual orientation, disabilities, religion, nationality, belonging to a disfavored category.

The Steering Board solved 314 of 456 received complaints. Among the solved petitions, 35 cases represented discrimination deeds and involved sanctions: 13 fines and 22 warnings. Also 4 cases of discrimination have been solved by mediation. The unsolved petitions are in the solving process and supplementary data and investigations are needed.

The Steering Board may self-formulate complaints regarding certain acts/deeds that may contain discrimination deeds. There are already 61 files representing self-formulated complaints, 41 of them having been solved by decision. Also, the specialized personnel of the Council has carried out over 93 independent inquiries during last year.

In the field of preventing discrimination, The National Council for Combating Discrimination developed during 2003 four national campaigns. During the month of March last year The European Action Week against Racism took place. This campaign was organized by NCCD, the Office of the UN High Commissioner for Human Rights and 5 NGOs.

Following the monitoring of the press a big number of discriminatory advertisements were ascertained. One of the results of the press monitoring was the adoption of the Instruction no. 1/2003 on the establishment of some standards for the advertisements. Other result was the sanction of 12 newspapers for the publication of discriminatory advertisements.

In order to promote the principles of non-discrimination among the employees, the National Council for Combating discrimination launched the national campaign "Give a chance, give yourself a chance" in July. The campaign consisted in distributing leaflets that express the main ideas regarding the combating of discrimination in employment. There is an intention to run the next stage of the campaign in co-operation with the National Agency for Employment.

Part of the UEFA Campaign against racism in football NCCD, in co-operation with the Romanian Football Federation and FARE (Football against Racism in Europe), initiated the Football against Racism Action week in Football between 16 and 28 October. The campaign consists in displaying promotional posters against racism on the stadiums and "according" red cards to all who discriminate in football.

Regarding the participation in the Community Action programme for Combating Discrimination (2001-2006) developed in the basis of the Decision 750/2000/EC, due to the fact that NCCD didn't function at the time of concluding the Memorandum of Understanding between Romania and the European Commission, the Council took over the former Minister of Public information the coordination of the Community Programme by Government decision no. 754/2003 on the organization and functioning of the Agency for Governmental Strategies. In order to ensure the Romania's participation in the Community Action Programme for the next year, the National Council for Combating Discrimination elaborated the draft of a Government Decision which regard the payment of the financial contribution necessary for the participation in the Programme, which was approved in December (Government Decision no. 1460/2003).

Parallel with the solving of petitions and intimations, NCCD, by its specialized structures, attended to the co-operation with the civil society for promoting the principles of equality and non-discrimination. For a better communication with the NGOs, on the Council's initiative, the national Alliance against discrimination has been created, a debating forum, that should

adopt recommendations and declarations in the field of preventing and combating all forms of discrimination.

The main objective of the Alliance is to contribute to the implementation of the National Plan for Combating Discrimination. Until now, 58 NGOs have become members of the Alliance. The works in the framework of the Alliance should be carried out in every field of non-discrimination specialized working groups.

In order to form and educate young peoples in the field of non-discrimination, NCCD launched the university Programme. In the framework of the Programme, university research centers in the field of non-discrimination will be established.

**The objectives of the centers are:**

- to study the non-discrimination phenomenon
- to promote the principle of non-discrimination, form, educate and familiarize students with the specific issue
- to provide the students involved in this project the possibility to participate in specialized courses and seminars and to carry out practice stages.

The first centers of this kind were established within two universities, in the cities of Constanta and Galati .

Another project initiated by the Council is the Programme named “Local Partners”. It views the concluding of representation protocols with active NGOs at local level. Local partners of NCCD will provide consultancy to the discriminated persons will notify the Council on discriminatory deeds and run local campaigns.

Other aspect of the co-operation with the public administration views the concluding of protocols with different institutions for mutual support of the activity. In this sense such protocols have already been concluded with the Ministry of Administration and Interior, Ministry of Culture and Denomination and the National Agency for Employment. Protocols with the Ministry of Education, Research and Youth and National Agency for Sport are under preparation.

For enforcing the activity of NCCD and perfecting civil servants and representatives of civil society in non-discrimination, Romania submitted to the European Commission the necessary documents in order to develop a Twining Programme in the field of non-discrimination. The documents were elaborated by a European expert team in the framework of the project “Project Preparation Facility”.

**The situation of the *petitions received* by the National Council for Combating Discrimination based on discrimination criteria during 2002**

	Discrimination	Number of petitions <b>received</b>	Number of petitions <b>solved</b>
1.	Race	0	0
2.	Nationality	1	1
3.	Ethnic	34	32

4.	Mothertongue	0	0
5.	Religion	2	2
6	.Social category: Retired	17	17
	Real-estate owners	7	7
	Refugees	1	1
	Apatrides	1	1
7.	Convictions	4	4
8.	Gender	3	3
9.	Sexual orientation	1	1
10.	Age	6	6
11.	Disabilities	3	3
12.	Chronic disease	0	0
13.	HIV infected	0	0
14.	Disadvantaged Category	2	2
15.	Others (work conflicts, inheritance, litigations etc.)	52	52
Total		134	132

**Cases of *self-notification* of the National Council for Combating Discrimination based on discriminatory criteria between 06.01.2003-28.11.2003**

	Discrimination criteria	Number of petitions <b>received</b>	Number of petitions <b>solved</b>
1.	Race	1	0
2.	Nationality	4	0
3.	Ethnic	34	26
4.	Mother tongue	2	2
5.	Religion	2	0
6	Social belonging	0	0
7.	Convictions	1	1
8.	Gender	4	2
9.	Sexual orientation	4	4
10.	Age	2	1
11.	Disabilities	3	1
12.	Chronic non- infectious disease	0	0
13.	HIV	1	1
14.	Disadvantaged Category	1	1
Total		59	39

**The situation of the *petitions received* by the National Council for Combating Discrimination based on discriminatory criteria between (06.01.2003-28.11.2003)**

	Discrimination	Number of petitions <b>received</b>	Number of petitions <b>solved</b>
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1.	Race	0	0
2.	Nationality	11	8
3.	Ethnic	60	27
4.	Mother tongue	2	2
5.	Religion	9	2
6	Social category: Retired	72	62
	Real-estate owners	39	37
	Refugees	5	4
	Apatrides	3	1
7.	Convictions	12	5
8.	Gender	14	7
9.	Sexual orientation	5	3
10.	Age	9	5
11.	Disabilities	29	11
12.	Chronic non-infectious disease	0	0
13.	HIV infected	1	0
14.	Disadvantaged category	0	0
15.	Others (work conflicts, inheritance, litigations etc.)	165	109
Total		436	283

***4) Please provide information on the latest developments related to the returning properties belonging to religious denominations confiscated by the State during the communist era, as far as persons belonging to national minorities are concerned.***

### **1. General information**

With respect to the issue of retroceding the real estate that belonged to religious denominations, art. 8(2) in the law 10/2001 concerning the legal status of some buildings that were abusively seized between March 6, 1945 – December 22, 1989 stipulates that the legal status of the buildings that belonged to these denominations, seized by the state, will be regulated by special legal acts and, until the enactment of such regulations, alienating or changing the destination of these buildings are prohibited.

During the parliamentary proceedings related to the adoption of the law 10/2001, the Government issued the Emergency Ordinance no. 94/2000 concerning the retrocession of some real estate items that belonged to religious denominations in Romania; the bill was enacted, with some alterations, through the law 501/2002.

The Government Decision no. 1164/2002 has approved the methodological norms for the enforcement of the Emergency Ordinance of the Government no. 94/2000, as well as the Rules for the organization and functioning of the Special Commission for Retrocession, and its composition.

On March 4, 2003, there were a total number of 7568 requests in the whole country. Out of these, some 3 000 requests are subject to the law 501/2002; the others will be dealt with by

the Special Commission for retrocession to national minorities that is to be established after the enactment of the law confirming the Emergency Ordinance no. 83/1999.

In 2004 the process of restitution of the church, communal and individual proprieties continued. The Commission for the Application of the Law no. 10/2001 considers that this process will be finalized by the end of 2004. In the next years, the Government will pay compensations to the persons that did not acquire their former proprieties for various reasons.

**The Government Ordinance no. 64/ 2004, amending art. 3 of the Decree-Law no. 126/1990** concerning measures on the Romanian Church United to Rome (Greek Catholic), entered into force the 18<sup>th</sup> of August 2004. This mentions that, in the cases where the clerical representatives of the two religious denominations do not reach an agreement in the framework of the joint commission, any party can resort to justice, according to the common law.

The ordinance invests expressly the courts with competencies to rule on litigation concerning the properties that belonged to the Romanian Church United to Rome. In order to allow both parties to undertake measures for solving the problem of the worship places, the ordinance maintains the roles and attributions of the commission, granting the parties with the possibility of solving this issue by the means of inter-confessional dialogue.

This new regulation guarantees the application of the principle of free access to justice, in the cases covered by the Decree-Law 126/1990, according to art. 6 of the European Convention on Human Rights (regarding the right to a fair trial) and art. 21 of the Romanian Constitution (free access to justice).

The adoption of this normative act was saluted by the representatives of Vatican who appreciated it as a proper tool towards a balanced and democratic relationship among the cults in Romania.

**The special Commission for Restitution of Properties Belonging to Religious Denominations proceeded until now to the restitution of 574 worship places, 53 of which belonging to the Greek-Catholic Church.**<sup>4</sup> In cases where restitution was not possible, it was due to the fact that the requests were incomplete and the Commission had to require the religious denomination to complete the necessary files for restitution. Also, the Romanian Orthodox Church restituted to the Greek-Catholic Church 165 worship places, 3 of which Episcopal Cathedrals (Blaj, Cluj-Napoca and Lugoj).

In 2004, the European Court of Human Rights ruled a single case on individual property. The Romanian Government respected all ECHR rulings.

We mention that the law confirming the Emergency Ordinance of the Government no. 83/1999, concerning the retrocession of some real estate items once owned by the communities of citizens belonging to national minorities is following the procedure of promulgation by the President.

The land law no. 18/1991, republished, with later alterations and complements, and the law 1/2000 concerning the restoration of the property right on agricultural and forest lands,

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<sup>4</sup> We emphasise the fact that, according to the last census, out of a total of 191.555 Greek-Catholics believers, 160.896 (84%) are Romanian ethnics.

requested according to the provisions of the land law no. 18/1991 and the law 169/1997, the way it was altered by the Emergency Ordinance of the Government no. 102/2001, include rules for restoring or, accordingly, establishing the property right on agricultural and forest lands also for the cult institutions recognized in Romania.

With respect to the status of real estate items once owned by the Greek Catholic Church, we specify the following:

Following the abrogation of the Decree no. 358/1948, by the Decree-Law no. 9/1989, the Greek-Catholic Church (in communion with Rome) was officially recognized. According to para. 2, art. 1 in the Decree-law no. 126/1990 concerning some measures for the Greek Catholic Church, it is organized and functions in conformity with the general status of religious denominations in Romania.

Art. 2 of the same decree establishes that the goods seized by the state through the decree no. 358/1948, now (in the moment of the enactment of this bill) found in state ownership, be restituted to the Greek-Catholic Church, with the exception of land estates. On the basis of the same article, the Commission for the survey and delivery of these goods was established by Government Decision no. 577/1990, and 80 buildings currently owned by the state were restituted by Government decision no. 466/August 19, 1992.

## **2. The status of the retrocession of buildings that belonged to the Mosaic cult in Romania**

On expiration of the term for addressing retrocession requests (March 2, 2003), the Federation of Jewish Communities in Romania had presented 1809 requests to the technical secretariat of the Special Commission. The estimation is that about 25% of the requests may be retained for a positive decision, the rest being requests concerning only lands out of the cities or compensations for demolished buildings.

Up to now, the Special Commission has already given its approval in 9 cases, for the retrocession of goods that belonged to the Jewish Community in Romania; on future meetings, in the extent that the edifying documents required by the law are presented, the Commission will study other 10 requests for retrocession.

With respect to the other requests, the technical secretariat of the Commission carries on a correspondence with the entitled individuals, as well as with local authorities, so that to gather all the documents proving ownership rights and to establish the present legal situation.

## **3. The retrocession of buildings belonging to national minorities – Emergency Ordinance of the Government no. 83/1999**

Concerning the evolution of the legislation regulating the retrocession of buildings that belonged to national minorities, we specify that the Emergency Ordinance of the Government no. 83/1999 was approved with amendments by the Law no. 64 / 2004 and subsequently modified by the Law no. 330 /2004.

The Law no. 64 / 2004 completed the initial provisions of the EOG no. 83 / 1999, establishing a new legal framework for the retrocessions of buildings seized between 1940 – 1945, thus

solving the problems left in suspension by the previous bills (the Appendix to the Emergency Ordinance no. 83/1999 also mentioned some buildings seized after 1940).

Subsequently, the Appendix to the Emergency Ordinance no. 83/1999 was completed, by Government Decision no. 1334 / 2000, with buildings that were seized between 1940-1945 and are available for restitution (that is, they still belong to the state heritage; thus, the case where they entered the public domain is excluded).

***5) Please describe the measures taken to ensure the local implementation of existing regulations in the field of protecting national minorities, notably the relevant provisions of the new Law on public administration.***

The Government Decision no. 1206/2001 approved the application norms of the provisions regarding the rights of the citizens belonging to national minorities to use their mothertongue in the local public administration, as included in the Law of the Local Public Administration no. 215/2001.

You can find below a synthetic table-report with the practical results of the application of the mentioned provisions, which are entirely compliant with the rights granted by the Framework Convention, in the counties concerned.

The provisions are transposed into practice by the local authorities (mayors, prefects and presidents of the counties council's).

**THE STAGE OF THE IMPLEMENTATION OF THE PROVISIONS OF THE GOVERNMENT DECISION no. 1206/2001, BY COUNTIES**

<b>No.</b>	<b>County</b>	<b>Stage of implementation of GD 1206/ 2001</b>
1.	ALBA	The names of localities where Hungarian minority exceeds 20% (7) and Roma minority exceeds 20% (1) are bi-lingually written. Names of public institutions are bi-lingually written in a single locality. Mayor and ten councilors belong to Hungarian minority in one locality. Hungarian –speakers were hired within three municipalities to facilitate communication.
2.	ARAD	Mother tongue is used in local public administration in ten localities. There are bi-lingual inscriptions of locality names in 16 localities. In 3 localities, the use of mother tongue in local public administration was not requested (Chisinau- Cris, Sinteia Mare and Vinga)
3.	BIHOR	The percentage of citizens belonging to minorities exceeds 20% in 50 localities. There are bi-lingual inscriptions of locality names in all of them, the agenda of local council meetings and the decisions made are noticed to people also in mother tongue. Hungarian –speakers were hired in all these municipalities to facilitate contacts.
4.	BISTRITA-NASAUD	The names of localities where Hungarian minority exceeds 20% are bi-lingual written. In most of localities public institutions names are bi-lingually written. 3-5 Hungarian speakers work in each municipality. The agenda of local council meetings and the

		<p>decisions made are noticed to people also in mother tongue only in Branistea commune. Although 7 councilors belong to the Hungarian minority, they did not use their right to speak mother tongue during the council's meetings.</p> <p>There are also citizens belonging to Roma community, but they usually speak Romanian. Roma people work within the prefecture, Bistrita and Beclean municipalities. Roma mediators work within Bistrita, Budacu de Jos and Dumitrita municipalities.</p>
5.	BOTOSANI	The percentage of Ukrainian citizens exceeds 20% in a single locality. The mayor and 2 councilors belong to this minority. All the legal provisions are observed.
6.	BACAU	In 4 localities the percentage of citizens belonging to minorities exceed 20%. The name of the locality is bi-lingually written and Hungarian is used during council's meetings only in Ghimes-Faget . There is a county office for Roma community and 2 Roma councilors were elected within the county councils.
7.	BRASOV	Citizens belonging to minorities exceeding 20% use without restraint mother tongue in relationship with local authorities, the agenda of the local councils meetings are noticed also in this language and all the names of localities are bi-lingually written, as well as names of public institutions.
8.	BUZAU	There is a single locality- Calvine commune, where Roma citizens exceed 20%. There were no individual or Roma organizations requests to use mother tongue in relationship with local public administration.
9.	CARAS-SEVERIN	<p>In ten localities, people belonging to minorities exceed 20%. The agenda of local council meetings is bi-lingually noticed in 2 localities: Lupac and Girnic. In two localities mother tongue is used in relationship with local administration: Carasova and Girnic and during the local council's meetings in 2 localities: Girnic and Lupac. Bi-lingual inscriptions of locality names are placed in all these localities. Public institutions are bi-lingually named in 6 localities: Carasova, Coronini, Girnic, Lupac, Pojejena and Socol.</p> <p>28,85 % of the population belong to Roma community in a single locality- Ticvanu Mare. They do not use mother tongue in writing. A Roma expert works within the municipality, facilitating the contacts.</p>
10.	CLUJ	In 25 localities people belonging to a minority exceed 20%. In all these localities, within local councils were hired Hungarian speakers and bi-lingual boards with locality names were placed. In 9 localities mayors and in 13 the deputy mayors belong to the Hungarian minority. Mother tongue is used in relationship with local administration and during local councils meetings (24 localities), and the agenda of local councils meetings is bi-lingually noticed to the citizens; citizens can address to the local authorities in mother tongue. Hungarian speakers were hired within municipalities to facilitate communication.
11.	CONSTANTA	In 2 localities people belonging to a minority exceed 20%. Neither the use of mother tongue in relationship with local public

		administration nor the agenda of local council meetings and weddings celebrations in mother tongue were requested. Bi-lingual boards for locality names and public administration institutions will be placed during this year. Turkish or Russian speakers were hired within these municipalities to facilitate communication.
12.	COVASNA	In all the 39 localities where people belonging to a minority exceed 20%, the agenda of local councils and their decisions are noticed in mother tongue, also; full and simultaneous translation is provided during councils' meetings, weddings are celebrated in Hungarian and Hungarian speakers were hired within municipalities to ensure a proper communication. The bi-lingual inscriptions of localities names observe the legal provisions. Cases were recorded when the name of the locality- capital of the county was written only in Hungarian. The Hungarian name for the city was used in written correspondence and competitions were organized for hiring personnel , a compulsory condition for the applicants being Hungarian language knowledge. Legal measures have been taken to settle the matter.
13.	DOLJ	People belonging to Roma minority exceed 20% in 9 localities. No requests for using mother tongue in relationship with the local public administration were recorded.
14.	HARGHITA	In all the 60 localities where the citizens belonging to the Hungarian minority exceed 20%, Hungarian language is used in relationship with the local administration, bi-lingual boards with names of localities were placed, as well as for public institutions, the agenda of local councils meetings is noticed also in mother tongue and the decisions too. Weddings are celebrated in Hungarian, if requested.
15.	HUNEDOARA	There were placed bi-lingual boards with locality names in all the 4 localities mentioned in the Annex to the Norms for the implementation of GD 1206/ 2001
16.	IASI	Requests for placing bi-lingual boards with locality name were recorded only in Stolniceni-Prajescu commune. No requests for using mother tongue were recorded.
17.	MARAMURES	Bi-lingual boards with locality names were placed in all the 17 localities where citizens belonging to a minority exceed 20% and the use of mother tongue in relationship with local administration was ensured. The decisions of the local councils are noticed in mother tongue, too.
18.	MEHEDINTI	There is a single locality - Svinita - where people belonging to a minority exceed 20%. Mother tongue is used in relationship with local authorities. On the basis of the decision of the local council, the agenda and the decisions of local council are noticed in Romanian until equipment with Cyrillic letters is bought. Bi-lingual inscription for locality name is provided.
19.	MURES	The provisions of the GD 1206/ 2001 are fully observed in all the localities where people belonging to a minority exceed 20%.
20.	SATU MARE	The provisions of the GD 1206/ 2001 are fully observed in all the localities where people belonging to a minority exceed 20%.

21.	SALAJ	The provisions of the GD 1206/ 2001 are fully observed in all the localities where people belonging to a minority exceed 20%.
22.	TIMIS	There are bi-lingual inscriptions with locality names in all the 6 localities where people belonging to a minority exceed 20%. Hungarian speakers were hired within the municipalities in order to facilitate communication. No requests for noticing the agenda of local councils meetings, decisions and translating the debates during councils' meetings were recorded.
23.	TULCEA	In 3 of 7 localities where people belonging to a minority exceed 20%, bi-lingual inscriptions with locality names are placed. The names of public administration institutions are not stated bi-lingually. Minority language speakers were hired within municipalities to facilitate communication and translation of the debates during the local council meetings was ensured.

**6) Please provide information on the latest bilateral contacts with Hungary and other developments connected with the content and effect in Romania of the 2001 Hungarian Law on Hungarians living in neighboring countries.**

### **1. The latest evolutions in the Romanian-Hungarian dialogue**

On November 29, 2002, H.E. Adrian NĂSTASE, Prime Minister of Romania, and H.E. Péter MEDGYESSY, Prime Minister of the Republic of Hungary, signed the Declaration on the 21st Century Romanian-Hungarian Strategic Partnership for Europe.

Afterwards, the frequency of the bilateral contacts has offered excellent opportunities for exchanging views and opinions and for identifying solutions for the pending issues.

The high-level bilateral dialogue in the least 2 years (official visit paid in Hungary, on September 15-16, 2003, by H.E. Ion ILIESCU, President of Romania; the working visit of H.E. Péter MEDGYESSY, Prime Minister of the Republic of Hungary, in Bucharest, on September 23, 2003; the meeting of the Romanian and Hungarian foreign ministers, on the occasion of the 5th plenary session of the Joint Intergovernmental Commission, on July 18, 2003, in Bucharest, and on the occasion of the official visit paid in Budapest, on 30 March, 2004, by the Romanian Foreign Minister) have proved that the bilateral discussions are characterized by a spirit of openness and pragmatic cooperation.

The year 2004 has strongly consolidated the Romanian-Hungarian cooperation in new fields of activity and one of the most important achievements to mention is the opening, on July 5, 2004, in the presence of the both countries' Prime Ministers, of the first cross-border point between Romania and Hungary, in Sacuieni-Letavertes, in which the border control is made in a single checking-point. Since its opening, the new cross-border checking point has proved to be an important incentive for the growth of bilateral commercial exchanges and for the movement of the Romanian and Hungarians citizens across the border.

Related to the current topics as European integration, the Romanian-Hungarian dialogue is characterized by continuity and efficiency in the framework of the Special Committee on Foreign policy and European integration from the Joint Commission.

Romania and Hungary have committed themselves to focus their energy and efforts on common projects and on decisively pursuing their way towards the European Union. Therefore, based on the common belief that the European destiny of both countries is a guarantee of the well-being of their people, Romania and Hungary have already proved that they can collaborate successfully in various fields, mostly in the economic field, as the commercial exchanges between Romania and Hungary in 2004 have reached almost 1 billion Euro, and according to the provisions, the tendency of growth will maintain in 2005.

In their dialogue as strategic partners, Romania and Hungary's approach on issues such as the Gojdu Foundation assets - a problem that lasted for many years on the bilateral agenda - provides the opportunity to tackle with such problems in a constructive manner. The parties agreed upon their responsibility in promoting the spiritual heritage of Emanuil Gojdu as a link between the Romanian and Hungarian people and cultures. Therefore, the solving of the problems regarding the Gojdu Foundation is organically connected to the Gojdu Courts in Budapest as the opportunity to transform these courts in a core of promoting the Romanian and Hungarian cultures, through the materialization of the projects regarding the establishment of the Romanian-Hungarian Common Foundation, the Romanian-Hungarian Strategic Partnership Institute, the bilingual high-school, the "Emanuil Gojdu" Library and the Gojdu memorial museum. For the time being, the Hungarian legislation in the matter of Foundations comes as an obstacle, since there are no provisions with reference to the Restitution of the nationalized assets.

Romania and Hungary are no longer separated by the 'the national minority issue' since Romania was the strongest supporter of the Hungary's initiative of including in the draft of the European Constitutional Treaty a reference to 'the rights of the persons belonging to national minorities'.

Following the model of the French-German historical reconciliation, Romania and Hungary have committed themselves in launching a process of historical conciliation which is to become the main framework to tackle and solve sensitive problems, with special symbolism for both Romanian and Hungarian people. This process has already an important result, since Romania and Hungary have solved the problem of restoring the so-called 'Statue of Liberty' in Arad county in Romania, an issue that has been debated for a very long time without a result, being, in the same time, a factor of tension in the bilateral dialogue. In April 2004, the 'Statue of Liberty' has been installed in the Arad, in the Park of the Romanian-Hungarian Reconciliation, which brings together symbols of both countries, respectively the Hungarian statue and Romanian constructions, inspired from its main important historical moments.

Following the general elections in Romania, in November 28, 2004, the Democratic Union of the Hungarians in Romania has become part of the Governmental coalition and is strongly represented at central and local level of administration.

As a strong political signal, the first visit of the newly elected Prime Minister of Romania, Mr. Calin POPESCU-TARICEANU, was in Budapest, on January 17, 2005. The Romanian Prime Minister was joined, in the visit to Budapest, by members of the Government who had, on this occasion, a first meeting and substantial discussions with their Hungarian counterparts. H.E. Calin POPESCU-TARICEANU, Prime Minister of Romania, and H.E. Ferenc GZURCSANY, Prime Minister of the Republic of Hungary, have convened upon organizing in Bucharest, in Autumn 2005, a common meeting of the Governments of Romania and Hungary, co-chaired by the two Prime Ministers, in the view to discussing problems of

common interest and finding the appropriate manner to implement the ongoing or new projects of bilateral cooperation.

## **2. Agreement between the Government of Romania and the Government of the Republic of Hungary establishing conditions for the implementation of the Law on Hungarians Living in Neighbouring Countries.**

On September 23, 2003, Romanian and Hungarian Prime Ministers signed the Agreement between the Government of Romania and the Government of the Republic of Hungary establishing conditions for the implementation of the Law on Hungarians Living in Neighboring Countries. Thus, Romania and Hungary have eliminated from the bilateral agenda a problem which lasted for more than two years. The debate on this item offered to the Romanian side the opportunity to bring an important contribution to clarifying standards in the field of the kin state's involvement in minority protection.

In December 2003, the Agreement between the Government of Romania and the Government of the Republic of Hungary establishing conditions for the implementation of the Law on Hungarians Living in Neighbouring Countries entered into force.

According to the above mentioned Agreement, the Hungarian authorities entitled to issue the Hungarian Certificate, shall bring the Certificate into conformity with the Recommendations of the European institutions, including those of the European Commission of December 2002.

An Inter-Ministerial Commission is to be appointed by the Romanian Government and it shall monitor the process in order to assure the right implementation of the Romanian-Hungarian Inter-Governmental Agreement on the territory of Romania.

According to the report of the Hungary's Center of Data's Processing and People Statistics from the Ministry of Interior, the Hungarian authorities have issued 491.842 Hungarian Certificates for Romanian citizens during the year 2004.

## **APPENDIX 1**

### **Broadcasting in Hungarian and German language according to the 2004 Report of the Romanian broadcasting company (public television).**

#### **Hungarian editorial board**

În baza Legii 41/1994 privind organizarea și funcționarea Societății Române de Televiziune, instituția noastră este „obligată să prezinte, în mod obiectiv, imparțial realitățile vieții socialpolitice și economice interne și internaționale, să asigure informarea corectă a cetățenilor asupra treburilor publice, să promoveze cu competență și exigență, valorile limbii române, ale creației autentice culturale, științifice, naționale și universale, ale minorităților naționale, precum și valorile democratice (...)”.

Respectând strategia de programe a SRTv în ceea ce privește conținutul programelor pentru minoritatea națională maghiară, în anul 2004 Redacția Maghiară a realizat:

1. Pe TVR 1, din luna ianuarie și până în septembrie emisiunea „Kronika” a fost transmisă în fiecare luni (55 minute) și marți (85 minute), ceea ce a însemnat că 140 minute au fost dedicate, săptămânal, etnicilor maghiari - același număr de minute fiind rezervat minorității maghiare și începând cu luna septembrie până în decembrie - în fiecare luni (85 minute) și marți (55 minute).

2. Pe TVR 2, „Împreună în Europa” (titlu generic pentru linia de minorități) a avut rezervate câte 60 de minute în fiecare joi, sub titlul „Szieszta” și „Cafeneaua imaginată”, fiecare în câte o săptămână.

3. Pe TVR Internațional a fost difuzat bilunar, un „Magazin” în limba maghiară (60 de minute) care a cuprins selecții ale celor mai importante materiale conținute în celelalte emisiuni.

În plus, au fost difuzate emisiuni în limba maghiară la studiourile teritoriale din Cluj și Timișoara, difuzate pe spațiul de splitare regională a postului TVR 2.

Prin urmare, Redacția Maghiară a realizat o producție proprie însumând 200 de minute săptămânal, ceea ce echivalează cu aproximativ 10.300 de minute acoperite în cursul anului 2004 în grilele de programe ale TVR 1 și TVR 2, adică circa 171 de ore de emisie, la care se adaugă 30 minute pe săptămână alocate pe TVR Internațional, ceea ce înseamnă 26 ore reluări pe acest canal, selecții prelucrate din emisiunile de pe TVR 1 și TVR 2.

În anul 2004, pe lângă rubricile consacrate ale emisiunii „Kronika”, am realizat și serii noi, precum:

- „Atelier” - rubrică lunară prezentând artiști plastici maghiari;
- „Ani, roluri și amintiri” - serie de opt portrete documentare (în colaborare) despre actori îndrăgiți ai teatrului maghiar din anii ‘60-’80;
- „Generația împlătinată” - portrete de 10 minute cu intelectuali exemplu pentru societatea maghiară din România;
- „Unitarieni” - documentar în 3 episoade a câte 25 de minute despre religia protestantă originară din Transilvania.

În zilele de Paște și de Crăciun au fost realizate o serie de emisiuni speciale în limba maghiară (cu audiențe foarte bune), precum și materiale specifice, concepute pentru emisiunea „Viața Spirituală”.

În perioada campaniilor electorale, sub genericul „Puncte de vedere”, telespectatorii maghiari au fost prompt informați în legătură cu tehnicile de votare, dar și cu drepturile cetățenești.

De asemenea, au fost difuzate știri și corespondențe despre activitățile de campanie ale organizațiilor minorității maghiare, precum și evenimente legate de alegeri.

Emisiunile Redacției Maghiare au avut și au un conținut bogat în informație, încercând să satisfacă cerințele tuturor categoriilor care alcătuiesc publicul său țintă: talk-show-uri, documentare, reportaje, știri din domeniul social, politic, cultural, rubrici pentru copii și tineri cu subiecte adecvate fiecărei vârste în parte.

Date de audiență: dacă la nivel urban cotele au fost nesatisfăcătoare (exceptând lunile ianuarie, aprilie și decembrie), cele înregistrate la nivel național și, mai ales, cele care descriu publicul țintă al emisiunilor realizate de Redacția Maghiară sunt mult mai bune.

În rândul maghiarilor, emisiunea „Kronika” (TVR 1) a înregistrat un share ajungând până la 30% (aproximativ 70 de mii de telespectatori maghiari).

La nivel național (total), cea mai urmărită emisiune a fost ediția difuzată de Paști, care a fost urmărită de 700.000 de telespectatori, media obișnuită a telespectatorilor încadrându-se între 150.000 și 300.000.

Pentru TVR 2, având în vedere ora de difuzare și faptul că numai 50% din populația maghiară recepționează acest post, numărul celor aflați în fața micilor ecrane a fost cuprins între 20.000 și 50.000.

Și în 2004, Redacția Maghiară s-a încadrat în bugetele alocate de către canale. În lunile de vară s-au făcut chiar și economii care au fost folosite pentru înregistrările din țară (care necesită costuri mari de deplasare), pentru deplasările din Ungaria și Slovenia (pentru reportaje/documentare), dar și pentru realizarea documentarului Unitarierii cu trei episoade.

Pe de altă parte, existența corespondenților maghiari în țară a determinat realizarea unor economii importante la capitolul deplasări. Totuși, pentru că acestea sunt din ce în ce mai costisitoare, iar majoritatea filmărilor precum și invitații în studio (formații, grupuri artistice, specialiști) provin din Transilvania, se prevede o majorare a acestor cheltuieli.

## **German editorial board**

Populației minoritare germane care trăiește în România, televiziunea publică a alocat spații pentru difuzarea unor emisiuni care prezintă tradițiile și istoria germanilor din țara noastră. Astfel, există două emisiuni pe canalele TVR 1 și TVR 2, Redacția Germană beneficiind și de un

spațiu de emisie pe TVR Internațional.

Pe TVR 1, în fiecare joi, a putut fi urmărită emisiunea „Akzente”, runde de discuții și mese rotunde sau festivități, realizate în diverse locații, cu o durată de 85 de minute.

Pe TVR 2, emisiunea „Împreună în Europa” (titlu generic pentru linia de minorități) a acoperit 60 de minute și a putut fi urmărită marțea în intervalul orar 15.00 și 16.00, iar o dată la două săptămâni i-au fost rezervate 60 de minute Emisiunii în limba germană, transmisă pe canalul TVR Internațional.

Emisiunile în limba germană, indiferent de canalul pe care au fost transmise, au acoperit actualitatea printr-un program de știri, o revistă a presei, reportaje, documentare, seriale etc.

Emisiunea „Akzente”, difuzată pe TVR 1, a beneficiat de câteva schimbări vizibile atât în politica de programe cât și în ceea ce privește conținutul și forma. Astfel, au fost păstrate rubricile tradiționale:

- „Știri” – rubrică săptămânală (informații referitoare la minoritatea germană și la instituțiile de cultură germane din România);
- „Promo” – rubrică săptămânală (anunță cele mai importante titluri din emisiunile săptămânii următoare);
- „Revista presei” - prezentarea ziarelor germane;
- „Subiecte” - interviuri cu personalități germane atât din România cât și Germania, Austria și Elveția;
- „Rețeta emisiunii”;

- „Povestiri bucureștene”;
- „Cărți și imagini”;
- „Cetăți ale credinței”;

În grila de vară a fost introdusă o rubrică de vacanță sub titlul „Unde mergem...” (în care au fost prezentate diferite oferte de petrecere a timpului liber cât și itinerarii de vacanță, realizabile aici în România).

Din luna aprilie, „Caravana Akzente” a pornit din nou prin țară, apropierea de telespectatori determinând o creștere a cotelor de audiență. De altfel, emisiunea realizată la Reșița a adus în fața micului ecran cei mai mulți telespectatori din cursul lui 2004.

În 2004, minoritatea germană a putut urmări, prin intermediul programelor realizate de redacție, toate evenimentele importante din România: alegerile locale și parlamentare, aniversarea a 150 de ani de la moartea etnografului Emil Sigerus, 200 de ani de dieceza catolică la Satu Mare, 60 de ani de la evacuarea germanilor din Transilvania de Nord, deschiderea Casei Luxemburg la Sibiu, zilele literare la Reșița, 10 ani de la înființarea căminului de bătrâni și a centrului cultural Adam Mueller Guttenbrunn de la Timișoara, întâlnirile tradiționale ale sașilor și șvabilor din vară, primul festival susținut în România de trupe rock și pop germane ș.a.

De asemenea, au fost realizate mai multe documentare de portofoliu, precum:

- „Emil Sigerus – 150 de ani”;
- „Matthis Teutsch – portretul pictorului avangardist”;
- „200 de ani de dieceză catolică la Satu Mare”;
- „Istoria asociației transilvănene carpatice și Păltinișul”;
- „270 de ani de istorie a landlerilor din Transilvania”;
- „Refugiile din Munții Făgăraș” ș.a.

Emisiunea „Împreună în Europa”, transmisă pe TVR 2, a beneficiat de câteva îmbunătățiri:

A fost introdusă rubrica „Pas cu Pas” având în centru germani stabiliți în România, care au început aici afaceri, sau germani din Germania care au investit în țara noastră;

S-a păstrat rubrica „Destine” în care au fost prezentate viețile deosebite ale unor germani din România. Tot aici a fost inclusă prezentarea unor trupe pop și rock ale tinerilor de la liceele germane din România. Emisiunea difuzată pe TVR Internațional a conținut reluări ale emisiunilor de pe TVR 1 și TVR 2, prezentate într-o formă specifică postului destinat românilor care locuiesc dincolo de granițele țării. În anul 2004, Redacția Germană a acoperit pe TVR 2, cu producție proprie, 2.600 de minute, ceea ce înseamnă 4 X 50 minute lunar, exceptând lunile în care s-au realizat 5 X 50 minute pe lună.

În concluzie, în cursul anului 2004, Redacția Germană a realizat 6.840 de minute de emisie producție proprie. Restul minutelor au fost acoperite de preluări de pe Deutsche Welle.

Fiecare reporter, redactor, realizator a acoperit circa 945 de minute (ceea ce a însemnat, în medie, circa 79 de minute pe lună).

Emisiunile Redacției Germane se adresează, în primul rând, telespectatorilor din rândurile minorității germane, îndeplinind astfel o funcție foarte importantă: nu doar transmiterea de informații, ci și promovarea identității culturale a diferitelor comunități de limbă germană din țara noastră.

## **Editorial board for national minorities and Romanians living abroad**

Programele Redacției Emisiuni pentru Străinătate și Minorități au dobândit o identitate vizuală nouă o dată cu procesul de rebranding al Televiziunii Române. Redacția își desfășoară activitatea exclusiv din producție proprie, fiecare emisiune având, în acest context, buget propriu și convenție de producție. Din punct de vedere al cantității, redacția a realizat un număr semnificativ de ediții și minute în premieră și reluare difuzate pe canalele TVR.

În condițiile în care activitatea redacției poate fi considerată unicat în peisajul media românesc, fiind singura instituție obligată prin lege să alcătuiască programe pentru minoritățile naționale, deși nu se poate vorbi de concurență, emisiunile redacției înregistrează și audiențe bune.

În perioada de vară, redacția a realizat programe în regim de portofoliu, rețetă pe care o vor urma și în perioada următoare. De asemenea, redacția colaborează în realizarea programelor cu reprezentanții minorităților naționale și cu Departamentul pentru Relații Interetnice din România, care permit reflectarea evenimentelor în timp real.

## **Programmes produced and aired by the Editorial board for national minorities and Romanians living abroad in minutes, 2004**

Programele realizate de Redacția Emisiuni pentru Străinătate și Minorități au fost difuzate pe toate cele patru canale ale TVR, astfel:

- pe postul TVR 1: emisiunea „Conviețuiri”, cu o durată de 1930 de minute, reprezentând 36 de ediții noi și 500 de minute constând în 10 ediții în reluare.
- pe postul TVR 2: „Primul pas”, cu o durată de 2080 de minute reprezentând 40 de ediții noi și 676 de minute constând în 13 ediții în reluare; „Împreună în Europa”, cu o durată de 2080 de minute reprezentând 40 de ediții noi și 706 minute constând în 13 ediții în reluare.
- pe postul TVR Cultural: emisiunea „Identități”, cu o durată de 3930 de minute constând în 131 ediții noi și 780 minute reprezentând 26 de ediții în reluare.

## **APPENDIX 2**

### **National Council for Combating Discrimination**

#### **Activity report 2004**

The National Council for Combating Discrimination is the specialized body of the central public administration, with juristic personality, under the subordination of the Government, which ensures the observance of the principle of equality established by the Constitution of Romania, by the internal legislation in force and by the international documents which Romania is a part too..

Exercising its attributions, the Council carries out its activity independently, without any obstruction or influence from the part of other institutions or public authorities.

The Council is authorized by law, to ascertain and to sanction discrimination deeds on one hand and to adopt affirmative measures to prevent and combat discrimination, on the other hand.

The Council carries out its activity on the basis on the Government Ordinance no 137/2000 regarding the prevention and sanctioning of all forms of discrimination, with further modifications and completions and on the basis of the Government Decision no 1194/2001 regarding the organization and functioning of the NCCD with further modifications and completions.

The Council was set up and functions as a result of the accomplishment of the Romania's assumed commitments to transpose the community acquis in the field of non-discrimination, represented by the Council's Directive 2000/43/ EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and respectively the Council's Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

The deliberative body of the Council is the Steering Board, being 7 members nominated by the ministries with attributions in the field and approved by the Prime Minister's decision.

The members of the Steering Board are appointed for a period of 7 years, thing that ensure their independence and impartiality.

Starting from the functions and attributions of the NCCD, defined in the normative acts which regulate its organization and functioning, the activities of the Council during 2004 focused on the following priorities:

- legislative activities (elaboration and substantiation of projects of normative acts in the field of combating discrimination)
- actions of preventing discrimination deeds and promoting non-discrimination
- measures of institutional building and professional training of the personnel
- management of programs with external funds
- activity of international cooperation
- studying and investigating files and sanctioning discrimination deeds
- transparency of measures taken with the view to implement the legislation in the field of preventing and combating discrimination

## Legislative activities

With regard to the legislative measures, the Council had in view the elaboration of two categories of projects of normative acts:

Projects of normative acts for the improvement of the legislation in the field of preventing and combating discrimination deeds

In order to improve the legislation in the field of antidiscrimination, in the first part of the year 2004 the Council continued the necessary steps for the approval by the Parliament by law of the Government Ordinance nr. 77/2003 regarding the modification and completion of the Government Ordinance nr. 137/2000 regarding the prevention and sanctioning of all forms of discrimination.

The elaboration of the Government Ordinance nr. 77/2003 had as a target the alignment of the internal legislation to the community acquis in the field of nondiscrimination and focused on the following aspects:

- the definition of the indirect discrimination
- the definition of the multiple discrimination
- the definition and sanctioning of victimization
- the introduction of mediation as an option for the solution of discrimination deeds
- the establishment, by law, of the principle of independence of the activity of the National Council for Combating Discrimination
- the institution of the special assistance offered to the victims

As a result, in February 2004, the Law nr. 27 was adopted regarding the approval of the Government Ordinance nr. 77/2003 for the modification and completion of the Government Ordinance nr. 137/2000 regarding the prevention and sanctioning of all forms of discrimination.

In conformity with the attributions established by the normative acts on the basis of which the Council carries out its activity, it elaborates and and institute affirmative policies having as a scope the prevention of discrimination deeds. In this sense, the Council elaborated the National Plan of Action to Combat Discrimination, an ensemble of measures meant to ensure the observance of the principles of equality and nondiscrimination.

The National Plan of Action to Combat Discrimination represents a document of public policies of the National Council for Combating Discrimination, the scope of which is to establish directions of actions in the field of preventing and combating discrimination. In this sense, the National Council for Combating Discrimination intends:

- to build an efficient national system to prevent discrimination
- to adapt and improve procedures to sanction all forms of discrimination
- to consolidate cooperation with the civil society, with the institutions of the central and local public administration and with mass media
- to promote “mediation” as a form of solving conflicts resulted from discrimination deeds or acts.

National Plan of Action to Combat discrimination was approved in August 2004 by the Government Decision nr. 1258/2004 for the approval of The National Plan of Action to Combat Discrimination.

The implementation of the National Plan of Action to Combat Discrimination is stipulated in the National Plan of Action for the Employment 2004 – 2005 as a measure, because the recent analyses point out that disadvantaged persons (persons with disabilities, ethnic minorities, immigrants) meet with encounter difficulties regarding the access and their maintenance on the labour market, one of these difficulties being explicit or dissimulated forms of discrimination according to the ethnic or work disablement criteria.

### **Projects of normative acts for the accomplishment of international commitments to which Romania is a Part**

In order to ensure the continuation of participation of Romania in the Community Program to Combat Discrimination (2001 – 2006), the Council elaborated a project of Government Decision for the payment of the financial contribution afferent to the participation of Romania in this Program in 2004. The project was endorsed by the authorised ministries and approved by the Government in April 2004 (the Government Decision nr. 668/2004, regarding the approval of the participation of Romania in 2004 in the Community Program to Combat Discrimination (2001 – 2006), as well as the payment of the financial contribution referring to the participation in 2004 in this Program).

### **Actions of preventing discrimination deeds and promotion of nondiscrimination**

#### **Information Campaigns**

One of the most important aspects of the activity of the NCCD is that of preventing the discriminatory phenomena.

In this sense the Council organized and participated in a series of campaigns and actions of information with a view to render aware the public opinion with regard to the principles of nondiscrimination.

In this regard we can mention the project “Combating Discrimination Information Campaign in District 3 of Bucharest”, organized together with the Third District City Hall. This project, launched in January 2004, has as an object to ensure a climate of tolerance and security among the citizens of District 3. On this occasion the first local strategy was accomplished to combat discrimination in District 3 by an Initiative Group made of representatives of NGOs, of two high schools, of the City Hall and of the NCCD.

One of the visible results of the meetings of the Initiative Group was the achievement of the Diversity Festival – DiversFest, the first open event of this kind in Romania, which promoted the diversity and tolerance under the motto: “All Different – All Equal – All Together”. Accomplished by the initiative of some organizations, together with the Interethnic Relations Department within the Government of Romania, the National Authority for Youth, the Ministry of Culture and Cults, the Agency for Press Monitoring – Catavencu Academy, the National Commission of Romania for UNESCO, with the help of the History Museum of Bucharest and the Culture House Friedrich Schiller, which put locations to our disposal, the event putting together representatives from the governmental and nongovernmental sector and

personalities who were preoccupied by the discriminatory phenomena, journalists and volunteers.

The composition of the Initiative Group of DiversFest is the following:

- The National Council for Combating Discrimination
- Association Partners in Development – Romania
- Organization of Refugee Women in Romania
- Association Pro Democratia – Bucharest Club
- The Romanian Group for Human Rights Defense
- Association LiberTin Bucharest
- Ethnocultural Roma Projects Organization
- Association ACCEPT
- Curricular Development and Gender Studies Center FILIA
- GERON Foundation
- The National Council of Disability in Romania
- The Theoretical High School Alexandru Ioan Cuza
- Matei Bsarab National College

Among the events carried out during DiversFest – Bucharest 2004 we enumerate: the market of the involved organizations, debates, contests, arts exhibitions, books release, artistic shows. The 13 debates, through which the Council made its mission known, had as themes: the affirmative policies are necessary (Competition between high schools), Gender discrimination in Politics, Multiculturalism as an antidiscrimination exercise, Discrimination in mass media, Diversity and democratic values, Youth and tolerance, Public policies in favour of ethnic minorities, Disability and discrimination, Roma children education and ethnic identity, From school to the community, Antidiscrimination policies and practices for aged people, Domestic violence in Romania, About us, the sexual minorities in Romania.

There were 8 prizes granted to pupils from the Alexandru Ioan Cuza High School and Matei Basarab National College, by the National Authority for Youth, for the best volunteers and for the best essay.

This Festival – that put together NGOs members and nonmembers of NAAD, as well as two high schools – will become an event that the Council, which was the initiator, will promote every year. The finality of the festival in 2004 was the ProTolerance Declaration, adopted by the Initiative Group of the festival. This Declaration proposes that the third week of the month of June of each year to be declared “The Week of Nondiscrimination in Romania”.

During the month of June 2004 a campaign was launched to render aware the population of the discrimination cases in the Romanian society, organized by the Agency of Press Monitoring - Catavencu Academy. The National Council for Combating Discrimination was consulted before launching this campaign and gave its approval with regard to the way of carrying out that campaign, considering it useful also for the promotion of its image and thus becoming a partner of that campaign.

## **The cooperation with the public administration and civil society**

The National Council for Combating Discrimination grant a special importance to the collaboration with the public administration by concluding protocols with different institutions with the view to reciprocally support their activity. So, as a result of such protocols with the Ministry of Administration and Interior respectively The National Institute of Magistrates, the parts convened to include in their plans of education for their educational institutions themes regarding the prevention and combating discrimination, the Council assuring specialized documentation (books, publications, legislation) and the support for organizing sessions of training for policemen and magistrates.

As a result of the application of the measures established in the two protocols five sessions of training carried on in the field of nondiscrimination last year.

One of the sessions was dedicated to the students of the National Institute of Magistrates (judges and prosecutors) and the other four to the representatives of the police, both from the central level of the Ministry of Administration and Interior and from the part of the County Inspectorates (these latest courses being organized in cooperation with the Center of Resources for Ethnocultural Diversity in Cluj-Napoca).

As a result of the conclusion of a cooperation proceedings with the Arts and Crafts Educational Center Spiru Haret, the NCCD engaged itself in identifying sources of financing for the realization of a project of scholarship for the qualification of persons belonging to disfavoured groups (roma, persons with disabilities, youngers etc.)

The activity of the National Alliance against Discrimination has continued. The Alliance was conceived as a form of debate open to all nongovernmental organizations that support the activity of prevention discrimination deeds carried out by the NCCD.

In 2004 the following Working Groups of the Alliance had meetings:

- Race, nationality, language (6.02.2004)
- Youngers (5.03.2004, 22.03.2004)
- Persons with disabilities (24.03.2004)
- Aged people (26.03.2004, 27.04.2004, 3.05.2004)
- HIV/AIDS (4.03.2004, 6.03.2004)
- Gender, ethnicity (21.10.2004)
- Refugees, azylants (29.10.2004)
- During 2004 other 23 NGOs adhered to the National Alliance against Discrimination:
- Association for Family Protection, My Family
- Association of Pensioners in Bucharest
- Antidrug Romanian Association
- The Unique and Independent Syndicate of the Romanian Red Cross Henry Dunant
- The Romanian Greek Union
- Pro WOMEN Foundation – Iasi
- Harmony Foundation for mixed ethnic families in Romania
- Happier Days – love, help, faith and hope Association
- The Saving Remedy Association

- The National Association of Specialists in Human Resources Organization
- Together for You Association
- The Democratic Union of Tartars Muslim – Turks in Romania
- Turk Democratic Union in Romani
- Croats Union in Romania
- M.A.T.C.A Foundation – 2000
- For You Foundation – Timisoara
- Federation of the Organizations for persons with intellectual disabilities Inclusion
- Refugees and Migrants Organization
- The National Association of Pensioners in Romania
- The National Association of Persons with Disabilities – Constanta Branch
- Millenium for Human Rights Foundation

Organization for Human Rights Defense in Romania – Satu Mare Branch

The National Organization Scouts of Romania

### **The non-discrimination phenomenon research**

The investigation of the non-discrimination phenomenon represents one of the constant concerns of the Council. This investigation has as target the identification of causes and modalities of modification of this social scourge, with the evident purpose of finding the best methods of preventing and counteracting this phenomenon.

In this way, at the end of the last year, the Council initiated, in collaboration with Metro Media Transylvania, a public opinion poll entitled “Barometer of opinion regarding the discrimination phenomenon in Romania - 2004”, and has as targets the followings:

- the identification of the main discrimination forms in Romania and the actors involved
- the evaluation of the existing measures of combating discrimination and the attenuation of its effects
- the identification of the efficient factors in the activities of the institutions qualified in taking decisions against discrimination

The results of this public opinion poll will represent a starting point for the future actions of the Council, especially regarding the implementation of the measures mentioned in The National Action Plan to Combat Discrimination.

The employees of the Council also accomplished a comparative analysis of the petitions forwarded to the Council in the first three trimesters of 2004, compared to the similar period of 2003, analysis presented in the annex of the present report.

The problem of the roma discrimination represents a constant preoccupation of the Council. In this sense, in August, with the occasion of the round table entitled “ The non-discrimination of roma-context, realities and perspectives “ that took place in Cluj-Napoca at the headquarters of Resources Center for Rroma Communities, the “Report regarding the situation of combating roma’s discrimination” was presented, representing an analysis of the causes and effects of the discrimination deeds and of the inequality situations addressed to the representatives of this ethnicity, concrete cases of discrimination against roma people being also presented.

## **Measures of institutional building and formation of proper personnel**

Starting from the observations and recommendations of the European Commission, according to which the Council had to consolidate its institutional capacity, the NCCD proceeded, in the first part of the year, to personnel hiring for those departments that showed a deficit from that point of view, especially for the Juridical and Inspection Department.

As a result of the adoption of the Government Ordinance nr. 48/15.07.2004 regarding the rectification of the state budget for 2004, the Council reorganized its structure with the scope to render its activity more efficient and to improve its capacity of reaction. So, a new Direction of International Relations was set up and the Human resources, financial and countability Office, respectively the Administrative office, were transformed in Services.

With a view to consolidate the institutional capacity, the Council took the necessary steps for the implementation of a Twinning Phare Program on account of 900.000 euro. So, as a result of the European Commission approval of the fiche and of the proposals launching, there were selected as partners institutions as the Netherlands Ministry of Justice, the Dutch National Bureau against Racial Discrimination and the Netherlands Helsinki Committee, the program being going to start at the beginning of February 2005.

The training of the proper personnel represents a permanent preoccupation of the Council. Both the specialized personnel and the members of the Steering Board participated in formation sessions as:

- development of negotiation abilities
- development of mediation abilities
- management of public services
- management of Phare projects

We have to mention the fact that, in June 2004, the Council was allocated a new headquarters, more adequate for the development of its activity.

## **Management of programs with external financing**

Since 2004, the Council has benefited from a twinning program with Phare assistance having as a purpose the strengthening of the institutional capability of the National Council for Combating Discrimination.

The Program, entitled “Institutional Building in the field of nondiscrimination”, will be developed in partnership with the Netherlands Ministry of Justice, the Dutch National Bureau against Racial Discrimination and the Netherlands Helsinki Committee. The main purposes in view are:

- the institutional development of the NCCD
- the training of the specialized personnel of the NCCD
- the improvement of the visibility of the institution
- the training and formation of actors relevant for the field of preventing and combating discrimination.

The proper development of this program will become in February 2005, and will last 18 months, comprising a large series of activities like: special training for the Council personnel and for the representatives of the main actors involved in preventing and combating discrimination (public institutions, civil society), seminars, round tables, campaigns of information, setting up of a national center of documentation and information in the field of combating discrimination.

By implementing this program the following results are expected:

- increasing the reaction speed of the NCCD
- rising the training level of the personnel
- education of target groups regarding the implementation of principles of nondiscrimination and equality of chances
- the rising quality of the activity of the NCCD
- the improvement of the legal framework in the field as well as of the institutional structure of the NCCD
- decreasing the discrimination deeds in Romania
- the rising of the reaction capacity of the Romanian society regarding the discriminatory attitude

### **International cooperation**

The international cooperation of the National Council for Combating Discrimination consisted in the participation at the international conferences and seminars regarding the exchange of experience, the promoting of the institution activities and image as well as for the establishment of contacts with similar organisms/ bodies from abroad. In this sense, the representatives of the Council participated as experts at the regional and international reunions of the Europe Council, O.N.U., O.S.C.E., and so an.

The representatives of the NCCD also participated at the reunions of the Experts Group for the implementation of the European Non-discrimination Directives in the national legislation, as well as to the international conferences organized as part of the Communitarian Action Program for Combating Discrimination (2001-2006).

An important aspect of the activity of the international cooperation is represented by the contacts establishment with different extern partners from the governmental or non-governmental sphere, regarding the development of projects in the field of promoting non-discrimination and equality of chances.

In this sense we can mention the affiliation of the NCCD to the European Network of the specialized bodies in combating discrimination. This network, entitled "European Specialized Equality Bodies (EuroNeb)", was organized within the framework of a multinational project, financed by the Communitarian Program of Combating Discrimination (2001-2006), at which Romania is part of, through the agency of the Council. The scope of this network of specialized bodies is to promote a uniform interpretation of the anti-discrimination legislative, both in member states of European Union, and in those in course of accession. This network became operative in December last year and purposes the promotion of the exchange of information between the organizations involved in the project, with the purpose to contribute to the elaboration of politics and legislation at the European level, in the field of promoting non-discrimination and equality of chances.

The Council is also implied in the program entitled “Roma EDEM- The promotion of the roma people. Integration and equal treatment in the field of education and employment”, program financed by the European Commission, in which are involved six states: Spain, Portugal, Great Britain, Hungary, Check Republic, and Romania. As a result of the consultations had within the project we came to the conclusion that in all of these six states involved, the roma communities and other traveler peoples are being confronted with the same kind of problems:

- the poor participation in the educational system as well as the early school abandon
- the tendency of creating some separates classes, only with roma children
- non-involvement of the members of roma communities in programs of school recovery
- the great number of unemployed within this ethnicity
- the majority of those who work carries its activity in the fields with a lower level of training
- the absence of organizing some courses for readjustment/ requalification and vocational preparing for roma people

Within the program that is going to be elaborated in common by these six European states, had been already propose as future actions the followings:

- training activities in the field of screening discrimination deeds
- raising awareness in the field of preventing and combating discrimination
- realizing conferences and seminars in these six states involved with regard to the prevention and combating discrimination
- study visits of the personnel involved in preventing and combating discrimination from the institutions involved as coordinators in this project.

### **Studying and investigating files and sanctioning discrimination deeds**

The NCCD has continued its activity of investigating, findind and sanctioning discrimination deeds. All along 2004 a number of 353 petitions and complains from physical and juristical persons, governmental and nongovernmental institutions were received.

Among the petitions that were under the Council’s competence of solution, the most complained about discrimination on ethnic criteria, belonging to a certain social category (pensioners), beliefs, nationality or HIV infection.

The Steering Board of the NCCD solutioned by decision 217 of 353 received petitions, the rest being in the investigation stage. The situation of the petitions, detailed on discrimination criteria, is presented in the annex to this present report.

The Steering Board of the Council can initiate actions on its own initiative regarding discrimination deeds. In 2004 there were 34 files with such actions, 30 of them being already finelysed.

Among the 217 files finelysed, the Steering Board found 27 situations of discrimination deeds and it applied sanctions: 24 warnings and 3 contraventional fines. Four contraventional fines were also applied for the unjustified refusal of giving information with reference to the file in

question. The situation of fines applied by the Steering Board of the NCCD is presented in the Annex to the present report.

As a result of the contested minutes of sanctioning or of the Steering Board decisions, 19 processes went to court. The situation of these processes is presented in the annex to the present report.

Transparency of measures taken in view of implementing the legislation in the field of preventing and combating discrimination

With a view to ensure the transparency regarding the activity of the NCCD and to observe the right to information of citizens, the institution launched its website page [www.cncd.org.ro](http://www.cncd.org.ro), which will promote the whole activity of the NCCD and will facilitate the communication with interested people and entities. This page will be available in English and French too.

In keeping with the same frame, of the information in the field, the Council financed the edition and printing of a specialized work in the field of nondiscrimination entitled “Combating Discrimination in Romania”. This work addresses both to students in Law Faculties, to students in the National Institute of Magistrates and to experts and comprises a presentation of the main international institutions with attributions in combating discrimination, of the legislation in the field and of some practical cases taken from the Council’s activity.

In 2004 the Council organized more press conferences where there were presented periodical reports regarding the Council’s activity as well as information on measures applied in some cases found in the Council’s attention.

## **Conclusions**

During 2004, the activity of the NCCD continued to carry out on directions of actions necessary to accomplish its institutional mission of enforcement and control of the observance of the national legislation provisions for combating and preventing all forms of discrimination as well as of promotion of the principles of nondiscrimination and equality of chances.

According to the recommendations of the European Commission included in the Report on Romania’s progress towards accession to the European Union (2003 – 2004), the National Council for Combating Discrimination has to strengthen its institutional capacity in order to go on with the measures of combating any form of discrimination. At the same time the report mentions the necessity of rising transparency and the level of visibility of the Council within the public opinion, by informing people about its activity and the positive results of the institution.

We have to say that the European Commission’s appreciations regarding the Council’s activity in the above mentioned report do not have a negative character. On the contrary, they recognize the consolidation of the independence of the institution and the progresses made in implementing the legislation in the field that was mentioned also by the Commission’s representatives at the last reunion of the EU – Romania Association Committee in November 2004.

The activity of the Council registered also some deficiencies in managing some departments within its structure, especially the Juridical and Inspection Department and the Human Resources one. We can also mention that there were some files unsolved due to the fact that:

There were difficulties regarding the observance of the deadlines for the petitions, more complex investigations being necessary to be done even if the human and financial resources were limited.

The great number of petitions that are not the object of the Council's activity but suppose supplementary investigations.

The poor coordination of the specialized body of the Council regarding the carrying out of the investigations.

In order to remedy these situations the existence of a special procedure of solving petitions in cases of discrimination is necessary, both for the investigation of the cases and for the corresponding deadlines.

With a view to improve the relationship with the civil society it is necessary to review the way of organizing and functioning of the National Alliance against Discrimination in order to optimize its activity.

As a conclusion, we remind the appreciations made in connection with the progresses accomplished by our country in the field of the fight against discrimination, expressed by the representatives of the European Commission on the occasion of the EU – Romania Association Sub-committee nr 7, Regional Development – Employment and Social Policy, in the frame of which the accomplishment by Romania of the commitments assumed according to Chapter 13 of negotiation was analysed:

So, in the minutes of this meeting it is stated that: "The European Commission welcomes the fact that in Romania there is a very comprehensive anti-discrimination legislation and it was first among the acceding and candidate countries to create a functioning equality promotion body in accordance with the acquis."

### *APPENDIX 3*

#### **CONSULTATION WITH THE REPRESENTATIVE ORGANIZATIONS OF NATIONAL MINORITIES**

**In July 2004**, the Department for Interethnic Relations circulated a draft of the present Report, asking for written opinions of the national minorities representatives. As no answers were received until the specified term, on **March 7, 2005**, The Ministry of Foreign Affairs and the Department for Inter-Ethnic Relations organized a meeting with the members of the National Council of National Minorities, at the MFA headquarters. The aim of the meeting was to present the draft report regarding the way Romania has been implementing the Framework Convention for the protection of national minorities.

The meeting was attended by representatives of the German, Macedonian, Czech, Slovak, Albanian, Italian, Jewish and Croatian minorities, as well as delegates from the European Center for Minority Problems, the Department for Inter-Ethnic Relations and the Ministry of Foreign Affairs.

In the opening, the secretary of state Attila Marko, president of the Department for Interethnic Relations, showed that the current version of the report regarding the Framework Convention reflects the situation up to november, 2004. The document will be updated taking into account the latest evolutions. According to the recommendations of the Advisory Committee established on the basis of the Framework Convention, the Romanian authorities decided to proceed to consultations with the organizations represented in the National Council of National Minorities, so that the report could include their views. The representatives of national minorities were informed about the procedure employed by the Council of Europe for analyzing Romania's report. It was emphasised that this document must be credible and realistic, having to reflect both the positive elements and the problems faced by the authorities.

**During the meeting, the participating organizations exposed the main problems they face in Romania. Thus, they referred to the necessity of improving the implementation of the existing legislation, in particular that regarding education in the mother tongue; the importance of ending the process of restitution of seized property, including items belonging to the national heritage; the need to fight any acts of discrimination and fascist propaganda; finally, they stressed the need for a law concerning national minorities, by which the assistance granted to minorities unrepresented in the Parliament should be regulated.**

The organizations of the national minorities were invited to send their proposals of improvements to the report to the Ministry of Foreign Affairs and the Department for Inter-Ethnic Relations, in a two-week interval.

After the expiration of the second delay granted, in **April 2005**, another call for contributions was made by the Ministry of Foreign Affairs directly to the organizations of national minorities, with a new deadline of two weeks. Only two opinions were received, from the Italian Community and The Democratic Union of the Slovaks and Czechs. Both texts expressed the satisfaction of these minorities with the actual state of the report.