

I. Background

A. Introduction

Romania is a country of several national, linguistic and religious minorities. This diversity was confirmed by last census of 2002, according to which in Romania live more than 25 national minorities, of which the largest groups are the Hungarian community, the Romany (also referred to as Roma or Gypsies), the German, the Russian-Lipovians and the Turkish. All the minorities together speak more than 25 languages and share more than 15 faiths. Since the fall of the communist regime, their status has improved significantly. Although Romanian minority legislation currently is in accordance with international standards, there are still several touchy issues between the minorities and the majority group. The main two concerns are the backward socio-economic situation of the Romany and the political debates between Romanians and Hungarians on local self-government and academic education in Hungarian language. Since the latter debate has an important historical root, this is the first point of discussion in this background section. Afterwards, the development of the socio-political situation of the minorities after 1989 is described. In this part there is special attention to the situation of the Romany, who were and still are faced with discrimination and violence in everyday life. The purpose of this background section is to tie the legislation, documents, bibliography and links in the Romania of the ECMI Electronic Map entry together, and to create a better understanding of these items.

B. Significance of Transylvania

The Hungarians' claim on Transylvania ("Transilvania" in Romanian, "Erdély" in Hungarian and "Siebenbürgen" in German) is the root of tensions between Romanians and Hungarians. The province is considered as having made crucial contribution to the autonomous survival of both the Hungarian and the Romanian nation (Deletant in CEDIME-SE 2001a: 14). Historiographers from both sides differ in opinion about the chronological pre-eminence in Transylvania, the Hungarian rule in Transylvania and the interpretation given to the post-First World War territorial settlement and political developments (CEDIME-SE 2001a:15; Van Marle et al 2000):

1. Transylvania covers the north of Romania and includes Szekler Country, a great plain 350 from the border of Hungary which is primarily inhabited by Szekler Hungarians. The remaining area of Transylvania is primarily inhabited by Romanians. For both Hungary and Romania, Transylvania is the cradle of culture and civilisation. Therefore, the main dispute between de Hungarians and the Romanians centres on the question of who was first on this territory. Romanian historiographers expound the Dacian-Roman continuity theory. In 1st and 2nd centuries AD, the Dacian Kingdom was conquered and annexed by the Roman Empire. The historiographers believe that the Dacian and Latin cultures fused and resulted in the creation of the Dacian-Romanian culture. When the Roman legions left, Dacian-Romans continued living in Transylvanian woods and mountains, preserving their language and culture, despite periodic invasions by Avars, Scytians, or Huns. Therefore, Romanian historiographers believe that at time of the Szekler Hungarians' entry into the Carpathian Basin, they found a large ethnic Romanian population in Transylvania.

Moreover, they think that the conquest of Transylvania by the Hungarians was a step-by-step process that lasted many years, and was completed in the 13th century. Hungarian historiographers reject the Dacian-Roman continuity theory, claiming that before the Hungarian conquest of the Danube Basin in the 9th century AD, Transylvania was terra inoccupata. Hungarian historiographers believe that the Hungarians crossed the Eastern and Southern Carpathians on their way to the Pannonian Plain. According to this version, the Romanians came later: only in the 13th century did Romanians begin to move into the region, and were permitted to stay due to the magnanimity of the Hungarian landlords. (CEDIME-SE 2001a:15; Van Marle et al 2000).

2. Besides this question of who was first in Transylvania, there is a dispute about Hungarian rule in Transylvania. First of all, Hungarians see Transylvania as a part of the Hungarian medieval Kingdom, which was one of the great powers of Europe in the 15th century. On one hand, Hungarian historiographers argue that the Romanian contribution to the region's institutional development was slight. On the other hand, Romanian historians claim that Transylvania was never an integral part of the Hungarian Kingdom, but enjoyed an extensive political-administrative autonomy. They emphasize the importance of the majority of ethnic Romanians to the historical development of Transylvania. Besides these divergent opinions about the Hungarian Medieval Kingdom, many Romanians still grieve about their treatment within the Habsburg Empire. In 1690, Transylvania was conquered by the Habsburg Emperor and it remained under Habsburg rule until 1867. In this empire, Romanians gained recognition as a "nation", but did not gain equal rights and true representation in the Habsburg parliament. Between 1867 and the First World War, a true "magyarisation" of the ethnic minorities in Transylvania took place. The Hungarians believed that this transformation, although compulsory, would be in the interest of the minorities. Both the Hungarians and the groups of ethnic Germans in Transylvania claimed racial, social and cultural superiority, to the dislike of the Romanians.

3. The third point of dispute between the two ethnic groups is the interpretation given to the post-First World War territorial settlement and political developments. During the war Romania joined the Allied Forces and could therefore claim territorial expansion during the peace negotiations. As an outcome, the Romanian Kingdom (founded in 1878) gained Transylvania, the Banat, Crisina and Maramures to its territory. Hungary lost two-thirds of its territory under the 1920 Trianon Treaty after World War I and about three million ethnic Hungarians now live outside their historic homeland. To many Hungarians this is still experienced as a traumatic loss. In contrast, the Romanians believe that justice was done after the prior Hungarian oppression.

C. Historical developments

By the end of the eighties, the situation of the minorities in the communist regime started to change. Villages inhabited by minorities started to be demolished. As for the Romanians, the last years of the communist regime meant going back to their traditional way of living. Most of them had to give up the housing or leave the schools the regime had provided them with. In the new context of social disorder and economic crises, unemployment, marginalization, delinquency and poverty rose. For

the Hungarians, things changed as well, although in a different manner. The number of Hungarian classes and departments within schools were reduced, ideological censorship on the Hungarian publications was considerably intensified; the broadcast of territorial radio stations in Hungarian was stopped and geographical and Christian names in the languages of the minorities were prohibited. Moreover, by the end of the 80's, "Romanians of Hungarian language" replaced the term "co-existing nationalities". The Ceausescu regime therefore became coloured with nationalism as the end of it approached. This nationalism was facilitated by the attempt of the Ceausescu couple to strengthen the unity of the majority and create a true Romanian nation. However, the ethnic Romanians were also subjected to pressure and prohibitions (CEDIME-SE, 2001a). After their liquidation on 25th December 1989, minority issues in Romania started to receive more and more attention by both the national and international community.

The fall of the communists was initiated by the Hungarian Reformed pastor Laszlo Tokes in Timisoara, when he incited actions by the Hungarians. They began to protest and soon were joined by Romanians and others who also wished to utter their discontent with the regime. In support of the revolutionaries, on December 21st, the Hungarian government decided to abrogate its 1972 friendship treaty with Romania. After the change of regime, a provisional government calling itself the National Salvation Front (FSN) came to power. The Hungarian press proclaimed a new era of Romanian-Hungarian relations, symbolised by the heroic figure of Laszlo Tokes (Rates 1992 in CEDIME-SE 2001a). With the change of government and the plans for democratic elections, Hungarians in Romania assumed that they would see the return of educational and other institutions lost under communism.

The first test of the ability of the new regime to change minority policies was to reveal a lack of consensus on ethnic issues within the Romanian majority. At the time the new minority policies were announced, the political landscape of Romania was, at best, confusing. New political parties began to take shape in January 1990 and the nationalist movements were not yet organised. While being initially responsive to Hungarian request to include guarantees on minority rights in its policy statements, the FSN failed to foresee that other political groups would not be willing to approve such concession (Kettley, 2002:249).

In addition, neither Iiescu nor his close allies had an understanding at the time of the controversial aspects of concepts such as collective rights or autonomy, nor were they aware of the potential impact of their implementation. This affected both the Hungarian and Romaniy minority. Thus, the restoration of educational establishments to the Hungarian minority involved removing Romanian pupils from mixed school and the prospect of breaking-up the Babes-Bolyai University in Cluj before the beginning of a new academic year, which resulted in demonstration of Romanian pupils and teachers (Gallagher in Kettley, 2002:249). Moreover, demands for the return of the Bolyai Highschool in Targu-Mures, led to violent clashes in the city between Hungarians and Romanians on March 19 and 20, 1990. As some Romany people were said to be involved in this clash, it soon turned out that their situation would not improve under the new regime. In many cases, it even became remarkably worse. Romany have been the most affected by the transition to a market economy because of their lack of a qualified labour force, leading towards high unemployment rates (CEDIME-SE, 2001b:9).

This was the ideal impetus for the retaliation of communist nationalism. In February 1990, the Romanian Heart Union (UVR) and its political arm, the Party of National Unity (PUNR) were established. Subsequently, in 1991, the Great Romania Party (PRM) was created. It was a radical party promoting neo-fascist discourse against the Hungarian, Romany and Jewish minorities. The break-up between the Romanian and the ethnic Hungarian elites was to have far-reaching consequences that would affect the entire Romanian society. Indeed, it has shaped the attitudes of the media, the legislative process and Romania's foreign policy endeavours (Kettley, 2002: 250).

Under these circumstances, Romania's new Constitution was adopted on December 8th, 1991. Romanian politicians announced their intention to revise several areas of legislation to conform more closely to international standards for the protection of human rights. It proclaimed Romania to be a state committed to "the rule of law, a democratic and social state, where human dignity, the rights and freedom of citizens, the free development of human personality, justice and political pluralism represent supreme values and are guaranteed" (article 1). However, the provisions related to the type of state, the official language and protection of minority rights fell short of minorities' expectations, because the constitution formally established the dominant position of the ethnic Romanian majority and language. The main points of discontent were the proclamation of the Romanian state as nation-state, the reference to the Romanian people, and the official monolingualism. Moreover, the constitution named the term "national minority" several times, but never defined it.

Before the Constitution was adopted, the Romanian parliament passed a Law on Local Public Administration that required the use of Romanian, designated the official language "in relations between citizens and local public administration authorities". Moreover, it demanded proceedings to be held in the official language of the state, but permitted administrative decision to be given jointly in the mother tongue and in Romanian in "territorial administrative units where the national minorities are numerous". Minorities could use their language in communications with local authorities, but only if formal requests were accompanied by an official translation. For oral communications, an interpreter was to be provided, although the law did not indicate whether this was the responsibility of the local authorities, or of the petitioner. A subsequent law imposed restrictions on the display of national flags, the signing of the national anthem, and the use of Romania's coat of arm in public spaces.

One of the most criticized laws was the Law on Education was passed by the Romanian parliament in June 1995. It was controversial because it failed to meet the lingual needs of the countries minorities, giving a narrow interpretation to the 1991 constitutional provision assuring the right of people belonging to national minorities to learn their mother tongue and to education in their mother tongue.

By the end of 1996, the Romanian politics were mainly nationalistic: no genuine progress had been made on the legislative level. After the six years Ilescu had ruled, only three significant minority-related laws were passed: the Constitution, the Law on Local Public Administration and the Law on Education. The product of six year non-communist rule was a superficial improvement of minority right policies, which consisted of including standard minority assurances in the 1991 constitution, and in enthusiastically signing the international and regional human rights documents

necessary for Romania's accession to the Council of Europe and NATO (Kettley, 2002:247).

D. Improvement of Romanian-Hungarian relations in 1996

The first significant step in the bilateral reconciliation process between the Romanian and the Hungarian politicians was the signing of "The Treaty of Mutual Understanding, Co-operation and Good Neighbourhood between Hungary and Romania", on September 16, 1996. The treaty included the provision that both countries will support their efforts for NATO and European integration "on a non-discriminatory basis" and was accompanied by a "Joint Romanian-Hungarian Political Statement" and an "Agreement of Reconciliation and Partnership". The treaty was inspired by a French-German model, instituting a permanent dialogue between Romania and Hungary. Romania had already been a signatory to other bilateral agreements, but it never focused on the protection of minorities like this before, except for the one with Germany (signed in 1991). Besides the one with Hungary, it signed The Treaty of Friendship, Cooperation and Neighbourliness between Romania and the Republic of Bulgaria in Sofia, on January 27th 1992. This treaty does not include any special norm regarding the national minorities' protection. The Basic Treaty with the Federal Republic of Yugoslavia was signed in Belgrade on May 16th and contains only general principles and the reference to multilateral international norms. The Treaty on the Relations of Neighbourliness and Cooperation between Romania and the Ukraine was signed in Constanta, on June 1st 1997, and gives extended regulations on national minorities protection. With the years, the importance of minorities in bilateral treaties grew (Andreescu, 1999).

After the Treaty with Hungary was signed, another significant breakthrough in the Romanian-Hungarian relations occurred in 1996. Ion Iliescu (president of Romania in 1989-1996 and since 2000) and the Party of Social Democracy (PSD) in Romania lost power to Emil Constantinescu and the Democratic Convention. For the first time, the Democratic Alliance of Hungarians in Romania (RMDSZ) began to participate in the government, having a powerful voice in the Parliament. The coalition consisted of the Democratic Convention (CDR), which was composed of several parties: the National Christian Democratic Peasant Party of Romania (PNTCD), the National Liberal Party (PNL), the Social Democratic Union (USD), and RMDSZ. After the forming of the new government, the dilemma was how to establish a workable balance between ensuring that all ethnic groups have a reasonable knowledge of the official language while providing them with some degree of control over education in their mother tongue. Thus, from 1996, the Romanian leadership appeared to acknowledge that cultural diversity and minority rights required policies and laws that were beyond mere tolerance and non-discrimination (De Varennes, Hannum in Kettley, 2002:247). Consequently, interethnic negotiations encompassed both debates over international standards and debates on how to implement these standards in order to respond to the need of specific minorities.

RMDSZ had an immediate impact on the minority issues in Romania, as it conditioned its participation in the governing coalition on changing the legislation regarding the protection of national minorities. As a result, the Romanian government adopted two emergency decrees one year later: one amended the Law on Local Public Administration and the other one amended the Law on Education. Under the Romanian system, both these laws were to go into effect immediately but were

ultimately subject to final action by both houses of the parliament. The provisions of the government's emergency decree to amend the education law would indeed bring standards to a level superior to those of the education law of 1978 or the education law of 1995. The main points of controversy were the provision for studying history and geography in a minority's mother tongue and the issue of establishing a state-supported Hungarian university: the restoration of the Bolyai University. In 1959, the university had been merged with the Romanian-language Babes University. To the Hungarian community, autonomous control over a higher education institution of its own is more than an issue of rights. Rather, it is a matter of cultural survival and of recognition of the intellectual worth of the Hungarian community in Romania. To the Romanian majority, such an arrangement is seen as the first step towards ethnic separation and ultimately a threat to the territorial integrity of the Romanian state (Kettley, 2002: 257). As a result of the government's lack to consult all the involved parties, the amendment to the Law on Education generated fierce protests from the opposition, the majority coalition and the media.

Faced with the RMDSZ's threat to withdraw its political support for the CDR, the parliament eventually agreed to negotiate a solution that would accommodate the interests of both parties. The outcome was a dramatic legislative process, extended over two years of negotiations, which eventually led to a compromise. This consisted of establishing the right of linguistic minorities to set up their own private institutions of higher education as well as opening departments and faculties with tuition in the mother tongue in state-funded universities. However, the establishment of monolingual state-funded higher education institutions in languages other than Romanian remains an unresolved problem for the Hungarian minority. This is because many Hungarians see the multicultural university compromise as a temporary solution to their wider needs to preserve their language and culture (Kettley, 2002: 257).

E. Elections in 2000: Nationalist revival

The socialist PDSR (Democratic Social Party of Romania) and the nationalistic PRM gained many votes in the 2000 elections. Ion Iliescu returned to power as president in a minority government supported by centrist parties keen to keep PRM out of office. Now, this right extremist party with anti-Semitic and ultra-nationalistic ideas extremist ideas is the second largest group in the Romanian parliament. Its leader, Vadim Tudor, is famed for his nationalistic comments concentrated on three main issues: his idea of the “nation”, an imminent revolution of the masses, and the liquidation of ethnic minorities. His statements are against Jews, Roma and Hungarians.

The PDSR and the RMDSZ, despite the socialists’ refusal of RMDSZ’s demand of a Hungarian university, made a political deal to reassure the Hungarian minority that progress in minority rights reforms will continue. The protocol was signed on 27 December 2000. It provided for the adoption of a Law on Local Administration and allowed the use of bilingual inscriptions and minority languages in official communication, as well as bilingual inscriptions in areas where minorities represent more than twenty percent of the population. If at least one third of the deputies belonged to an ethnic minority, local council meetings could also be held in the minority language. The protocol provides for prior consultations with the RMDSZ in the design and implementation of both minority laws and Romania’s domestic and foreign policy agenda. In turn, the RMDSZ pledged to provide the PDSR with parliamentary support and to refrain from initiating or supporting a censorship motion against the government. Finally, the protocol provides a framework for the continuation of the confidence-building process between the Hungarian and Romanian political elites. After the signing of the protocol, the PDSR pledged to continue the implementation of the Law on Education by ensuring an adequate framework and financing the access of minorities to higher education institutions in minority languages (Kettley, 2002:258).

F. Hungarian Government Status Law

After the improvement of the bilateral relationship between Hungary and Romania in 1996, a setback was made in 2001. Then the Hungarian government adopted the “Status Law”. It revived old and bitter debates regarding Hungary’s stance towards its neighbours. The main points of controversy were the preferential access of ethnic Hungarians living in bordering countries to the Hungarian employment market and the extraterritorial aspects of its implementation procedures. Thus, the law allows kin-minorities to receive an annual three-month work permit in Hungary. In addition, the law provided for issuance, by the Hungarian government, of special identification cards. The identification procedures were to be carried out by ethnic Hungarian organisations in neighbouring countries on behalf of the Hungarian government (Act LXII of 2001 on Hungarians Living Abroad, adopted by the Hungarian parliament on 19th June 2001).

The Romanian government argued that both provisions are discriminatory against other Romanian citizens who may seek employment in Hungary. In addition, Bucharest argued that adequate consultations with, and the consent of, the host-states

concerned should have preceded such a unilateral measure with extraterritorial application. Hence, Hungary had failed to observe its international obligations assumed under multilateral and bilateral treaties and friendly relations among states. Moreover, Romania complained about the non-European character of the law, since Austria refused to accept the application of the law on its new territory. It rejected the law arguing the law violates EU rules against ethnic discrimination among its citizens. As Hungary is among the front-runners for EU-membership, Hungary could not ignore Austria's protest and removed the Hungarian minority in Austria from the list of beneficiaries of the Hungarian Status Law.

Therefore, Romania requested the European Commission for Democracy through Law (Venice Commission) to examine the compatibility of the law with European standards and with contemporary principles of international law. In response, Hungary requested the Venice Commission to carry out a comparative study on other European Laws regulating preferential treatment of kin-minorities. In 2001, the Venice Commission concluded that this treatment of ethnic minorities by kin-states is compatible with contemporary norms of international law while indicating that unilateral acts of this nature should be adopted and implemented with the consent of the relevant host-states. This was followed by reactions from Romania and Slovakia. They suggested the law must be amended to eliminate what they call its "extraterritorial character".

This finally led to the amendment of the Status Law by Hungary in 2003. Several key-aspects were removed from the law, including the reference to a "unified Hungarian nation" spanning borders. In reaction to the amendment, the Romanian and Hungarian Prime Ministers signed an agreement which envisions reciprocal standards for Romanians residing in Hungary.

Another issue that caught the attention of the Council of Europe was the reopened debate regarding the necessity for a law on national minorities in 2002 (APADOR, 2003:1), which was a reaction to the "Amendments Bill to Government on associations and foundations". One of the most important causes for reopening this debate was the apparition of "new minorities". Several sent their representatives to the Parliament, as was the case of the Ruthenians and the Slav Macedonians. They were allowed to do so because minorities in Romania enjoy special rights of representation in the Parliament. Since minorities are not defined in Romania's constitution, new emigrant communities would be able to be represented as well. Finally, the Council of Europe gave several recommendations for improvement of the existing law.

G. Current situation

Although in the second part of 2003 there were some conflicts between the UDMR and PSD due to national rhetoric and violation of the UDMR-PSD protocol by the PSD, for the moment they continue their alliance, which was created in 2001. In relation to minorities, this protocol is focusing on the regional development and on infrastructure of Transylvania, on education and on setting up some chairs and faculties in Magyar language at Babes-Bolyai University in Cluj. (Divers Bulletin No.39 20-01-03). Continuation of the protocol in 2004 is likely. Also the Roma party Social Democrat Roma Party (PRSD) continued its cooperation with the ruling PSD. On June 13 2002, a protocol between the ruling PSD party and the Roma party was signed between Prime Minister Nastase and Roma party leader Nicolae Paun. The

goals of the PRSD in this cooperation were to increase the budget to implement the Roma strategy plan, as well as more active involvement in Roma matters and in Roma communities (see Divers Bulletin, No. 70 15-09-03/No. 81 01-08-03).

At the same time, 2003 was marked by the rise of new Hungarian nationalist parties and institutions. In March 2003, the members of the Reformist Bloc within the RMDSZ decided to turn their structure into a political movement, deeming the Union does no longer represent the real interest of the ethnic Hungarians in Romania (Divers Bulletin, No. 47 17-03-03). In the same month, the "Self-Administration of the Hungarian Community in Romania" was set up, which should function as an internal parliament of the ethnic Magyars minority, according to Reformed Bishop Laszlo Tokes (Divers Bulletin No.47 17-03-03). In April 2003, 1,000 ethnic Hungarians decided to establish a new organisation called the National Council of ethnic Hungarians from Transylvania. It is asking for territorial and cultural autonomy and claimed to have set up the basis for local self-government. Prosecutors are at the moment of writing investigating the legality of this recently established council. Another Hungarian body was set up in July 2003: the Civic Union of Magyars. Although was merely a local party, it expressed the will to establish the National Union of Magyars, which could have the territorial autonomy and double citizenship issues on its program. Likewise, in 26 October a Hungarian forum claiming territorial autonomy was founded: the Szekler National Council. The forum approved a draft law for territorial autonomy. On 21 January 2004, Romania's Supreme Defence Council decided that this is unconstitutional and that the autonomy and the securing of the rights of the national minorities must not be confused with the territorial autonomy on ethnic principles, which is against the European spirit and the democratic principles. In reaction to this rise of Hungarian bodies, Romanian nationalist came up with a draft law to dismantle Covasna county (primarily inhabited with Hungarians) with the aim to bring about "concrete measures for a more emphatic Romanian presence" (Divers Bulletin No. 70 15-09-03).

As of 2003, although both European and international demands have turned Romania's minority to another level as compared to 1989, several minority issues remained present. First of all, the goals of the Hungarian national minority still were the administrative decentralisation of the country, with a special emphasis on the different forms of autonomy (territorial, cultural, personal); and the maintenance and/or establishment of a separate institutional system, especially of a separate Hungarian University. Both of these goals reflected the concern for the preservation of the Hungarian national identity (CEDIME-SE, 2001a; 26). Secondly, the Romany population still faced major problems. Discrimination continued to be widespread in practice and social inequalities to which the Roma community is exposed remained considerable. Living conditions for Roma were poor and access to social services was limited. In everyday life they were often faced by crime against them, even by police. Moreover, police and prosecutors rarely agreed to take complaints or cases of the Roma community. (CEDIME-SE, 2001b: 42). Thirdly, other smaller minorities have recently stood up for their rights. Besides the Ruthenians and the Slav Macedonians who went to parliament, also Csangos reached the news. They were mentioned in two EU accession reports, because of their desire to study Hungarian. This resulted in the running of academic classes for members of the Csango community who wanted to study Hungarian as an optional subject.

Prior to the 2004 elections, the Constitution was revised, which introduced the right

for Romanian citizens belonging to national minorities to use their mother tongue in court proceedings. One of the most important changes enshrined the right of national minorities presenting a “considerable proportion” of a local community to use their own language when dealing with local authorities. Considerable proportion was not specified and appears to have been set to meet the 20 percent requested by the Hungarian party.

As a result of the 2004 elections, a new governing coalition came into power which included the UDMR, the main Hungarian political party. The years since 2003 have seen significant moves towards the adoption of specific legislative acts and amendments aimed at improving the national minority status as well as towards increasing the possibility of adoption of a law on national minorities. For details, please see especially the 2005 reports of the ECMI project Enhancing Minority Governance in Europe, which are available online. (European Centre for Minority Issues 2005).

Attempts in February 2004 by UDMR Hungarian deputies, and in April 2004 by the Szekler National Council (CNS) mentioned above, an NGO that represents the autonomy ambition of the ethnic Hungarians living in Eastern Transylvania, to introduce an autonomy bill for Hungarian speakers in the so-called “Szeckler’s County” have been opposed by most Romanian political parties, and have been controversial even among ethnic Hungarian MPs. The UDMR has since distanced itself from this initiative. (See: Balló, Áron (2004). “An Autonomy Bill Launched for the Romania’s Hungarian Speakers”, EuroLang News, <http://www.eurolang.net>)

H. EU accession and the founding of minority bodies

In 1997 Romania became a candidate member state of the EU. As part of the EU’s accession requirements, Romania had to fulfil the criteria of the “acquis communaautaire”. Thus, Romania was bound to respect human rights and minorities and accordingly ratify the following documents:

1. the European Social Charter,
2. the European Convention for the Protection of Human Rights,
3. the European Convention for the Prevention of Torture and
4. the Framework Convention for the Protection of National Minorities.

Moreover, bodies dealing with minority issues had to be found. Since 1993, complaints of minorities could be investigated by the Council of National Minorities. Besides this council, other minority bodies got to see the light with EU’s financial aid in the PHARE program. In August 1998, the government founded the Inter-Ministerial Commission on National Minorities, chaired by the head of the Romanian Government’s Department for the Protection of National Minorities, to elaborate a national strategy for Romania’s minorities. The Government created an Inter-Ministerial Sub-Commission for Roma Issues in November 1998. After the 2000 election, the Government reorganised the Department for the Protection of Minorities into an Office for Interethnic Relations and a National Office for Roma and placed them under the Ministry of Public Information. These offices are responsible for monitoring the specific problems of persons belonging to ethnic minorities, to maintain contact with minority groups, to submit proposals for draft legislation and

administrative measures, to maintain permanent links with local authorities and to investigate complaints.

One year after the establishment of the National Office for Roma, the Strategy for the Improvement of the Situation of the Roma Population was adopted. It is the most important document ever in Romanian history concerning the country's Romany minority. The objective is to make it the basis for a social and economic program, to be undertaken in the next 10 years jointly by the Government and Roma organisations (CEDIME-SE, 2001b: 29). Another optimistic point for the Romany was reached when the Ministry of Education initiated a positive discrimination program at the beginning of academic year 2001/2002.

Not only had the Romany population benefited from the foundation of the new bodies for minorities, but also other minorities saw their legal protection grow. In 2000, the Office for Interethnic Relations drafted the most comprehensive legal document on discrimination: Ordinance on Preventing and Punishing All Forms of Discrimination which prohibits and sanctions any discrimination based on "race, nationality, ethnic appurtenance, language, religion, social status, belief, sex or sexual orientation, appurtenance to a disfavoured category or any other criterion". It reflected many of the provisions of the EU Racial Equality and Employment Directives (European Commission 2003: 99). The following year, the Government took a decision to establish a National Council for Combating Discrimination. This is a specialised body of the central public administration, subordinated to the government and its organisational structure and other responsibilities are regulated by Governmental decision, although it acts independently. Its competences are quite broad, from sanctioning discriminatory conducts to issuing studies and research, drafting laws, drawing up public policy, carrying out programmes and national campaigns. After several starting problems, in October-November 2002 the institution became functional.

Thus, with EU membership approaching (expected in 2007) Romania adopted more and more laws on minority issues in order to fulfil international criteria. In the most recent EU regular report on Romania towards accession (2003:32), is concluded:

"Structures have been established to implement anti-discrimination legislation and a number of cases of discrimination were sanctioned. The capacity of the Ombudsman's office was strengthened. The good process noted in last year's report in reforming the system of child protection has continued and further initiatives have been taken to enhance the rights of national minorities. The implementation of the Roma Strategy has continued although a lack of resources has meant that the results have been somewhat limited. Similarly, the process of property restitution has continued, but remains far from complete."

I. International framework

With the prospect of becoming an EU member state, Romania has ratified practically all international documents on human rights and minority protection. According to the Constitution, all international treaties once ratified become part of domestic legislation over which they take precedence in the case of inconsistency. As a member of the Council of Europe, Romania is bound by the terms of the European Convention on Human Rights and Fundamental Freedoms, the document that lays

down the basic principles of the Council. Two charters of the Council of Europe have been signed, but are not ratified yet: The European Charter for Regional or Minority Languages (1992) and the European Charter of Local-Self Government (1985). Romania has also signed the documents of the Organisation for Security and Cooperation in Europe (OSCE), including the Charter of Paris for a New Europe, the first such agreement to be formulated after the fall of communism, which underlines the need to monitor the treatment of minorities within member states and to “pledge to improve their situation”. The OSCE agreements are not legally binding, but they do present a political commitment by their signatories to abide by the terms therein. As a result of Romania’s signing of the OSCE documents, it received several recommendations for the improvement of the minority situation by the High Commissioner on National Minorities. As a member of the United Nations, Romania has also committed itself to the Universal Declaration of Human rights and more recent documents: United Nations Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, adopted in December 1992, United Nations Convention for the Elimination of all Forms of Racial Discrimination and UN International Convention on Civil and Political Rights. Merely being a signatory to such agreements, however, does not guarantee that minorities will enjoy the realization of the commitments (CEDIME-SE, 2001b:42).

List of References

- Andreescu, Gabriel (1999). Romania. Shadow Report: October 1999. Available online: http://www.minelres.lv/reports/romania/romania_NGO.htm (Accessed on 20-01-2004)
- APADOR (2002). Aspecte privind evoluția situației drepturilor omului în România și activitatea apador-ch. Raport 2002. Available online: <http://www.apador.org/ranual/htm> (Accessed on 23-02-2004).
- Center for Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE) (2001a). Minorities in Southeast Europe, Hungarians of Romania. CEDIME-SE. Available online: <http://www.greekhelsinki.gr/pdf/cedime-se-romania-hungarians.doc> (Accessed 28-01-2004).
- Center for Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE) (2001b). Minorities in Southeast Europe, Roma of Romania. CEDIME-SE. Available online: <http://www.greekhelsinki.gr/pdf/cedime-se-romania-roma.doc> (accessed 28-01-2004).
- Divers Bulletin Bulletin 2003-2004. Available online: <http://www.divers.ro> (Accessed 23-02-2004).
- European Centre for Minority Issues (2005). Reports of the project Enhancing Minority Governance in Romania. Available online: <http://www.ecmi.de/rubrik/57/reports/> (Accessed 20 September 2005).
- European Commission (2003). Equality, Diversity and Enlargement - Report on measures to combat discrimination in acceding and candidate countries. Luxembourg: Office for Official Publications of the European Communities. Available online: http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/studies/EqualDivEnlarge_en.pdf (Accessed on 20-01-2004)

Kettle, Carmen (2003). Ethnicity, Language and Transition Politics in Romania: The Hungarian Minority in Context. In: Daftary, Farimah and Francois Grin (eds.) Nation-Building, Ethnicity and Language Politics in Transition Countries. ECMI/LGI Series on Ethnopolitics and Minority Issues 2. Budapest: Local Government and Public Service Reform Initiative, 243-266.

Available online: <http://lgi.osi.hu/publications/default.asp?id=248>

Project on Ethnic Relations (1998). Schools, language and interethnic relations in Romania: the debate continues. Princeton, N.J.: Project on Ethnic Relations.

Available online: <http://www.per-usa.org> (Accessed on 23-02-2004).

Van Marle, J. and L.Paul (1997-2000). Autonomy for Hungarians in Romania? The pros and cons of autonomy rights for the Hungarian minority in Transylvania.

Available online: <http://huizen.dds.nl/~jeroenvm/romhaut.htm>