

Human Rights in Education in Romania (2005)

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1. Background

The importance of language for nation-building in Romania

The issue of minorities and the importance of guaranteeing linguistic rights, freedom of culture and religion for Romania started primarily with the constitution of the modern state. The existence of Romania as a national, unitary state began in the year 1918, when the three independent provinces – Moldavia, Walachia and Transylvania formed a unitary state. At that time, almost 28% of the entire population of the newly-born state was made up of national minorities – Hungarians-7.9%, Germans-4.1%, Jews-4.1%, Ukrainians-3.2%, Bulgarians-2%, Rroma-1.5%, Turks-0.9%. In the meantime, Transylvania, part of the former Austro-Hungarian Monarchy before 1918, joined the new state with an even more heterogeneous structure – Romanians-51.12%, Hungarians-26.46%, Germans-9.87%, Jews-3.28%, and other nationalities-3.27%. Meanwhile, the intellectual elite of the three regions was educated in France, Austro-Hungarian Empire or Germany and was deeply influenced by French or German ideology. The intellectuals from Transylvania were currently speaking Romanian, Hungarian and German languages. In the other regions, French or German were frequently used. In fact, the French and German model greatly influenced the Romanian representation and organization of the new state¹. Consequently, after the creation of the new state, Romanian authorities rapidly took legislative measures in order to guarantee equal rights for all citizens without any ethnical discrimination. As a result, the number of schools and publications in the minorities' languages increased over that period - in 1922, a number of 657 newspapers and 524 journals, of which 181 newspapers and 75 journals in the national minorities' languages (144 in Hungarian, 71 in German, 17 in Russian, 6 in Hebrew, and 5 in Bulgarian were printed in Romania.

The formal recognition of the various languages and their status in Romania

Throughout the decades, the linguistic policy of Romania could be characterised as a policy of mono-lingualism that placed emphasis on the official language, at the same time providing the recognition and protection of the minority languages². Practices in the area of linguistic rights has demonstrated that pure mono-lingualism can only be found in very few countries (Iceland for example); in most cases, existing legislations as well as communicational facts and practices describe, in most cases, a multilingual policy and reality³.

Beginning with the first Romanian constitution, after the building of the nation state (Constitution of 1923) and up to the present moment, the official language of the state was the Romanian language. At the same time, due to its historical, multiethnic and multicultural environment, Romania was one of the European countries that recognised the importance of the minority languages in the development of the state and society, and provided specific legal provisions for education in those languages, as well as for the use of these languages from the beginning⁴. In 2005, the following minorities lived in Romania: Albanian, Armenian, Bulgarian, Czech, Croatian, Jewish, German, Greek, Italian, Macedonian, Slavic, Polish, Russian (Lippovan), Hungarian, Rroma, Ruten, Serbian, Slovakian, Tatar,

¹ Boia L. (1997), *Istorie și mit în conștiința românească*, Edit. Humanitas, București, pp.183-194

² Leclerc J., (2003), 'Index par politiques linguistique', in *L'amenagement linguistique dans le monde*, Quebec, TLFQ, Laval University, December 2003, http://www.tlfq.ulaval.ca/axl/monde/index_politique-lng.htm

³ For a more detailed analysis, see Spolsky B. (2004), *Language Policy*, Cambridge, Cambridge University Press

⁴ If in the case of legal provisions for language education Romania has a coherent and rational policy in terms of the use of the minorities languages it were many ups and downs. Not even now the use of languages in administration or in inscription is not equally applied at Romania level.

Turkish, Ukrainian. Language education provisions⁵ were provided by the educational system for the minority languages. Due to the opening of Romania after 1989, the place and importance of international languages for education was progressively strengthened.

In the process of analysing the linguistic policy, international documents⁶ and papers⁷ defining the main perspectives that should be taken into account: *the sociolinguistic situation* – number and kinds of languages, number and kinds of speakers, the communicative value of each language, both inside and outside the community; *the national ideology* – set of beliefs influenced by national or ethnic identity claims; *the existence of English as a world language* – recent acknowledgment of English as a global language; *notions of language rights* – the existing pressure at the EU community level and at global level for attention given to the rights of linguistic minorities. From this point of view, there are three important aspects: 1. The access to education and culture – the opportunities offered for being educated in a specific language, mainly one's mother tongue, access to cultural services in one's mother tongue, as well as in international languages, 2 – the use of the language – in education, administration, justice, media and other fields of public life, 3 – the recognition of its symbolic value, which plays a major role in the preservation of historical and cultural heritage, mainly in multiethnic and multicultural states and signifies the possibility to use the language in symbolic interactions – name of geographic places, name of streets, towns and cities, public places.

Subsequently, an analysis of the situation of languages in Romania, taking into account the linguistic policy and the legislative provisions developed to support this policy, will focus on: adopted legislative measures in the field of language education (as a result of Romania's policy, of the socio-linguistic situation and of ideological pressures – national ideology versus minorities ideology at different moments of time and pressures of internationalisation); the way in which those measures guarantee and protect human rights; the effect of these policies at community and individual levels.

2. Language rights in compulsory education

General legal principles

In Romania, the main legal aspects regarding compulsory education are introduced by the constitution, followed by different associated legislative packages of laws, government ordinances or orders of the minister of education which provide the legal framework for the implementation of these principles. Romania is one of the very few European countries that has had an impressive number of constitutions over the last century. Seven constitutions made history in Romania, starting with the constitution of 1866, followed by constitutions of 1923, 1938, 1948, 1952, 1965, and ending with the constitution of 1991. Every new constitution has brought changes and amendments. In the field of human rights in education the evolution was as follows. First, the Constitution of 1866⁸ regulated the citizens' fundamental rights, including the freedom of education for all the citizens. It also stated that "The Romanian United Principalities constitute a unique and indivisible State, denominated Romania". . second, the Constitution of 1923⁹ declared equal rights and freedom for everybody, in Title II - About Romanian rights, Article 5 stipulates the freedom of consciousness, freedom of education, freedom of

⁵ From the Minister of Education and Research site, Education for Minorities and Access to Education, www.edu.ro/minoritati_4.html

⁶ Principles derived from Universal Declaration of Human Rights (1948), European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Declaration on the rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (1992), European Charter for Regional or Minority Languages (1992), Declaration on National Minorities (1993), Framework Convention for the Protection of National Minorities (1994) and presented in the Universal Declaration on Linguistic Rights (1996)

⁷ In Spolsky B. (2004), *Language Policy*, Cambridge University Press, Cambridge.

⁸ The Constitution of 1866 has been in force for more than a half of century, period in which Romania suffered important transformation - country independence in 1877, the union of the Basarabia, Bucovina and Transilvania with Romania, which led to the creation of the unitary nation state Romania

⁹ Adopted in 1923 - *Constitution of Romanian* (1923), Monitorul Oficial No. 282, 29 March 1923. It was abrogated by the Constitution of 1938

the press, and all the freedoms and liberties established by laws. Article 24 stipulates under the condition of freedom of education, the condition of this freedom that has to be guaranteed through a package of specific laws and it states the compulsory education, establishing that primary education must be compulsory. Finally, the Constitution of 1938¹⁰ reinforced the equality and freedom rights of all the Romanian citizens (Article 10) without any discrimination, as well as the freedom of education and the compulsory level of education (primary level), this compulsory education that, being free for everyone (Article 21).

The concept of national and unitary state, as well as the concept of sovereignty and indivisibility of Romania undergo changes over time, legal changes that not necessary affect the practices and perceptions of the Romanian citizens over the issue. In the first Article of the Constitution of 1948¹¹, Romania is defined as a sovereign, unitary and independent state. The terms “national”, present in Article 1 of the 1938 Constitution is no longer used. Article 22 reiterates the freedom of education for all citizens as well as the compulsory level of education (that remains the same – primary education) as well as, for the first time, the organisation and development of the technical education. It is Article 24 that explicitly introduces, for the first time in any Romanian Constitution, the right to be educated and to use, for oral or written communication, one’s mother tongue in fields such as education, public administration, justice, for “co-inhabiting nationalities” - the term used at that time for the current term of “national minorities”. It also stipulates the organisation of education at all levels in the sense that in all schools, at all levels of teaching, the teaching and learning of Romanian language and literature is compulsory.

Article 1 of the Constitution of 1952¹² no longer uses terms such as “sovereign”, “unitary” and “independent” state or the “national” term, even if those terms were present in the introduction as attributes of the Romanian state that are provided by a special external policy and relation with the Soviet Union: “the friendship and alliance with the great Soviet Union, its uninterested support and brotherly help assure the independence, state sovereignty and development of the Popular Republic of Romania”¹³. In the same introductory part of the constitution appears the term “national minorities” instead of “co-inhabiting nationalities” and the equality right for all the citizens, as well as the right of territorial and administrative autonomy for the central Hungarian region of Romania - “Regiunea Secuilor”, inhabited by a “compact mass”¹⁴ of Hungarians. After all, Romania is defined in Article 1 to be, simply, a state of the “working urban and rural class”. Article 80 introduces the freedom of education for all Romanian citizens, as well as the compulsory level of education that was extended from primary education to primary and secondary education (grades one to eight) and also stipulates the conditions for the organization of the technical education. At all levels, the education system is a state system. The language rights for the minorities are introduced by Article 82 which somehow restricted the freedom stated in the introductory part, if the freedom of education in mother tongue is granted for the national minorities at all educational levels, in the case of using the language in public administration it is stipulated: “in all the regions inhabited by people whose nationality is not Romanian, all the institutions will ALSO use in written and oral communication that language, and will elect public officials from that minority population OR from the rest of the population that lives in that region and knows the language and culture of the local minority.”

When the ECHR was signed in Rome, in 1950, the educational system, as well as the whole Romanian society, was characterized by an increasing dependency on political factors, which ended in a state of totally dependency on communist ideology and political control. The freedom of thought, conscience

¹⁰ The text of the constitution was published in *"Monitorul Oficial", partea I, No. 48 from 27 February 1938*. This constitution was suspended by the Royal Decision No. 3052, 5 September 1940 (published in *Monitorul Oficial* No. 205 from 5 September 1940).

¹¹ *Constitution of Romania* (1948), *Monitorul Oficial*, Part I, No. 87 bis from 13 April 1948.

¹² See the text of the *Constitution of Romania* (1952), *Buletinul Oficial al Marii Adunari Nationale a Republicii Populare Romane*, No. 1 from 27 September 1952

¹³ *Constitution of Romania* (1952), Introductory Part of the Constitution, paragraph 4, *Buletinul Oficial al Marii Adunari Nationale a Republicii Populare Romane*, No. 1 from 27 September 1952. With this paragraph the total dependency of Romania on Soviet Union is statute. Romania decides for itself only in accordance with Russian policies.

¹⁴ *Constitution of Romania* (1952), Introductory Part of the Constitution, paragraph 7, *Buletinul Oficial al Marii Adunari Nationale a Republicii Populare Romane*, No. 1 from 27 September 1952.

and religion, the “freedom to manifest one’s beliefs in worship, teaching, practice and observance”¹⁵ were practically denied. Even if at legislative level the constitution of that time guaranteed the fundamental human rights, in practice people were confronted with an increasing level of state control and with progressive limitation of liberty.

The first article of the 1965 Constitution¹⁶ reiterates the definition of Romania as a „sovereign, independent and unitary state”, but also as a socialist state, conducted by the Communist Party¹⁷ (Article 3). In the field of education, Article 17 stipulates the equality of the citizens, without any discrimination of nationality, race, gender or religion in all fields of public life. It also stipulates penalties for possible manifestations that can restrain those rights such as “nationalist-chauvinist” propaganda. Article 21 stated the right of all the citizens to education; the compulsory education if granted on a free basis by the state, the educational system in Romania is a state system.

The Law of Education of 1978¹⁸ based on constitutional provisions assures the education in minority languages and access to education without any discrimination. It also stated that the education system in Romania is a state system (see Article 2,3, 4 and 5).

The fact was that European policy was oriented more and more toward the protection of minorities and that effective measures to assure and protect human rights remained without any echo in Romania at that time, a state that was run by communist doctrines totally influenced at the time by the policy of Soviet Union. The first significant effects of the ECHR started to be applied after 1989, due to Romania becoming a member of Council of Europe, which happened in 1993, so the constitution of 1991 and the following legal regulations were the first acts that should account for a real democratisation in Romania.

In terms of human rights in education, this was the legacy that Romania had confront after 1989. The revolution of 1989 brings an important turn in the democratisation of Romania and generated its turn toward European policies. The constitution of 1991 brings the democratic state that were so much needed and expected.

Article 1 of the Constitution of 1991¹⁹ brings an important change for the strengthening of democracy. The national state is “a sovereign, independent, unitary and indivisible National State”, also “a democratic and social State governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values and shall be guaranteed”. Article 2 states the position of the national sovereignty that resides with the Romanian people, who shall exercise it through its representative bodies and by referendum” and also “no group or person may exercise sovereignty in one's own name”. Article 4 stipulates the equality principle amongst citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin. Article 6 ensures the right to identity, guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity. Article 32 is conceived to assure the right to education and stipulates: (1) the right to education is provided for by the compulsory general education, by education in high schools and

¹⁵ See Article 2 of the ECHR, in Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11 with Protocol Nos. 1, 4, 6, 7, 12* and 13*, Vilnius, 3 May 2003, from the archive of the Council of Europe

¹⁶ see the last version, after the last republication of the *Constitution of 1965*, Buletinul Oficial, No. 65 from 29 octombrie 1986

¹⁷ With this article the freedom to association and election was abrogated - only the “membership” at the Communist Party can assure the “freedom” to be elected in public or administrative positions.

¹⁸ *Law of Education*, December 1978, text form Buletinul Oficial, no.113, from 26 December 1978

¹⁹ The *Constitution of Romania* (1991) was adopted in the Constituent Assembly Session of November 21, 1991, and it has entered into force pursuant to its approval by the national referendum of December 8, 1991. Constitution of Romania (1991), Monitorul Oficial, Part I, No. 233 November 21, 1991. It was modified by the Law 439/2003 on the revision of the Constitution of Romania, published in the Official Gazette of Romania, Part I, No.758 of 29 October 2003, republished by the Legislative Council on the grounds of article 152 of the Constitution, with the updated denominations and the renumbered texts.

vocational schools, by higher education, as well as other forms of instruction and post-graduate refresher courses. (2) Education at all levels shall be in Romanian. Education may also be conducted in a foreign language of international use, under the terms laid down by law. (3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language is guaranteed; the ways to exercise these rights shall be regulated by law. (4) Public education shall be free, according to the law. Modified by Law 439/2003 on the revision of the Constitution of Romania in: “(4) State education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from disadvantaged families and to those institutionalized, as stipulated by the law”. (5) Educational establishments, including private institutions shall be set up and conduct their activity according to the provisions of the law. Modified by Law 439/2003 on the revision of the Constitution of Romania in:“(5) Education at all levels shall take place in state, private, or confessional institutions, according to the law.” (6) The autonomy of the Universities is guaranteed. (7) The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organized and guaranteed by law.

This new form of the constitution provides a modern frame for the organisation of education as well as for language policy at national level.

The education system in Romania, has since then, gone through a long series of reforms and changes in order to become more adequate to the international standards, as well as to the specific needs of its clients. The major challenges started soon after 1989 with an educational system that had to overpass the past legacy and make rapid and effective reforms that should bring it closer to the level of European education systems.

The ratification, on 20 June 1994, with immediate effect, of the European Convention of Human Rights determined an accelerated process of policy changes and implementation of strategies in the domain of minorities and linguistic rights in education. The Constitution and the new Law of Education from 1995 guarantee and protect minority²⁰ (language) rights in education. Article 5 of the Law stipulates equal access to education for every Romanian citizen without any discrimination. Article 6 and 8 redefine the compulsory education (up to the ninth grade) and the condition under which the education for minorities is provided. The liberty to organise schools in the minority languages, as well as in international languages was granted. The education can be done in private institutions organised for this purpose and accredited by the Ministry of Education. Romanian language, as an official language is a compulsory subject for all schools and the language of the official documents delivered by schools such as diploma or certificates.

Several important legislative reforms have taken place over the last 8 years. The 1997 – 2000 periods was characterized by a major and coherent reform of the whole educational system- the educational reform project designed in 1997 became a part of the Action Plan of the Romanian strategy for EU accession. In 2000, the education chapter was the first to be negotiated with the European Commission in Brussels and was the first chapter closed for Romania.²¹In the field of language policies, the following measures were taken: at the level of the Ministry of National Education was created the General Directorate for Education in the Languages of Minorities which has priority over organising the education in minority languages; also at the level of the new National Curriculum, a special point of interest was the extension of the study of international languages for the whole compulsory and non-compulsory education.

²⁰ See *Law of Education* No. 84/1995

²¹ For a more detailed analyses of the educational reform between 1997-2000 see Marga A. (2001), *Anii reformei 1997-2000*, EFES Publishing House, Cluj-Napoca, Romania

Due to specific legislative measures taken by the Ministry of National Education in the years 2001-2003, there are three types of education for children of ethnic minorities in Romania²²: (1) educational structures with tuition in the native language of the *Czech, Croatian, German, Hungarian, Serbian, Slovakian and Ukrainian* minority. These structures include 2,732 educational units with 209,842 children enrolled; (2) educational structures with partial tuition in the native language in 5 schools with 561 children enrolled. This form of study is characteristic for the *Croatian, Turkish and Tartar* minorities for whom some vocational subjects are also taught in their native language; (3) educational structures in Romanian language where the native languages are studied. This includes 387 schools with 30,964 pupils. Such structures are organised for the native languages of the *Armenian, Bulgarian, Greek, Italian, Polish, Roma, Russian, Czech, Croatian, German, Hungarian, Serbian, Slovakian, Turkish-Tartar and Ukrainian* minorities.

Implementation of the latest reforms began in 2000, in particular addressing the need for the Romanian educational system to become competitive in terms of international and European standards on education and vocational training, and to become compatible with other educational systems across Europe. The education in the language of national minorities is a component of the national education system and has become part of the national plan²³. Article 3 of Order No.3638/2002 of the Minister of Education and Research on the application of the educational framework-plans for Ist – VIIIth grades in 2001-2002 stipulates the status of national minorities languages. In schools and sections where education is provided in the language of a minority, the number of hours for studying language and literature are 7-8 in Ist and IInd grades, 5-7 hours in IIIrd and IVth grades, 5 hours in Vth grade and 4 hours in VIth-VIIIth grade. In schools and sections where the mother tongue is studied as a subject, the number of hours allotted to it is 3 during the entire schooling (Ist to XIIth grades). The history and traditions of each minority are studied in VIIth and VIIIth grades. Order No.4646 of the Minister of National Education stipulates that religion can be studied in the languages of national minorities. The syllabi for the history and traditions of minorities were drafted for Hungarian, German, Slovak, Turkish, Roma and other minorities²⁴. For modern languages, Romanian laws and regulations provide the opportunity to organise bilingual intensive education²⁵ in languages such as English, French, Italian, Spanish, etc. At the same time, the new reform provides specific regulations for Romani language education. 1990 to 1991 marked the first important steps for Romani education and teaching – starting a policy of positive discrimination for Roma students, the first Romani teachers were trained in Romani language, and the first lessons in the Romani language were introduced and taught in schools.²⁶

Recent changes in the structure of the Romanian educational system²⁷ (for more details see annex 1) bring a new ending point for the 10-year compulsory education. The new structure of the educational system is represented by: pre-primary education (level ISCED²⁸ 0 – years three to six), compulsory

²² Ministry of Public Information-Department for Interethnic Relations, Ministry of Education and Research-, MURVAI L. (coordinator), ALI L., COSMATU C., KOVACII., SARĂU Gh., STANCIU F., TIMAR V., *The Present Time In The Education Of National Minorities In Romania, Achievements in 2001-2002 School Year and Perspectives*.

²³ Ministry of Public Information, Department for Interethnic Relations, Ministry of Education and Research in Romania, General Directorate for Education in the Languages of Minorities, *Minorities and Education in Romania 2000/2001 School Year*, pp.8.

²⁴ Ministry of Public Information, Department for Interethnic Relations, Ministry of Education and Research in Romania, General Directorate for Education in the Languages of Minorities, *Minorities and Education in Romania 2000/2001 School Year*, p.p.9

²⁵ Ministry of Public Information, Department for Interethnic Relations, Ministry of Education and Research in Romania, General Directorate for Education in the Languages of Minorities, *Minorities and Education in Romania 2000/2001 School Year*, p.11

²⁶ Sarau Gh., 'The success of the Romanian model in Roma education and in teaching Romani as a mother tongue', www.edu.ro/invrrom_b1e.htm

²⁷ The up to date structure of the educational system in Romania is presented in the report: Ministry of Education and Research (2004), *Quality and Equity in the Romanian Education System, National Report on the Development of the education system in Romania*, Romanian Government, Romania. It offers a comparison of the structure before and after 2003/2004.

²⁸ ISCED – International Standard Classification of Education from 1997 (ISCED – 97), replace the old classification ISCED – 76, for more details on ISCED see Europe at a Glance, 2004, OECD

education (ten years) that is made up of primary education (level ISCED 1 – years six to ten, first to fourth grade), first stage of junior secondary general education (level ISCED 2 years ten to fourteen, fifth to eighth grade), second stage of the junior secondary education (level ISCED 2, year fourteen to sixteen) that offer general, specialised or vocational education in high schools (general and specialized) or school for arts and crafts (vocational training).

The main international documents to be taken into account for the development of the language policy in Romania were²⁹, besides the ECHR, the European Charter of Local Self-Government³⁰, European Charter on Regional or Minority Languages³¹ and the Framework Convention for the Protection of National Minorities³². The OECD report in 2001³³ concludes that the education of minorities in national language in Romania is already a firm reality.

Apart from the educational frame for the provision of language education, Romania has developed a series of legislative measures that encourage the participation of schools in international exchanges in the frame of European Programmes – Socrates, Leonardo, Grundtvig, Youth etc. and strengthened the link with cultural centres as supplementary measures for a complete linguistic education for both teachers and students.

Special categories

The HG (Government Decision) introduced the status and opportunities provided for non-citizens in Romania³⁴ 288/21 June 1993 and abrogate HG 549/1991 and HG 673/1992. In terms of language education it did not introduce any special provisions. The decision stipulates the conditions that non-citizens have to fulfil in order to be able to enter in the Romanian education system.

In terms of migrant workers from the EU, the main governmental decisions that deal with language education rights for these children are HG 508/31 May 2001, modified by HG 1420/6 December 2002. In HG 508/31 May 2001 Article 4, paragraph 2 it is stipulated that the Ministry of Education and Research in cooperation with similar authorities from the origin state of the children, shall establish the methodology for teaching mother tongue and the culture of the origin country. Based on this decision, the Ministry of Education and Research elaborated a methodology concerning the education rights for migrant children that assure their right to learn their mother tongue.

Refugees have the same rights as non-citizens, and they are right now able to follow the primary and secondary school under the same conditions as Romanian citizens, and then follow the rest of their education as non-citizens. Those provisions were introduced first by Law 15/2 April 1996³⁵ and modified by OG 102/200 and OG No.13/2002.

3. Language rights in non-compulsory education (especially higher education)

²⁹ Ministry of Public Information, Department for Interethnic Relations, Ministry of Education and Research in Romania, General Directorate for Education in the Languages of Minorities, *Minorities and Education in Romania 2000/2001 School Year*, pp.168

³⁰ Adopted in Strasbourg on 1985, Romania signed the Charta on October 1994 and ratified it through Law No.199/1997.

³¹ Adopted in Strasbourg on November 1992. Romania signed the Charter on July 1995.

³² Adopted at Strasbourg on February 1995, Romania ratified the Framework through Law No.33 / 1995, published in Monitorul Oficial, Part I, No.82, May 1995.

³³ See the OECD report – OECD, Centre for Cooperation with Non-Members (2001), *Thematic Review of National Policies for Education – Romania*, Stability Pact for South Eastern Europe, CCNM/DEELSA/ED(2001)10, November 2001.

³⁴ Government Decision – published in Monitorul Oficial, No.313 / 10 November 1994. It was modified by HG 562/1993, HG.14/1994, HG 689/1994

³⁵ published in Monitorul Oficial 69/5 April 1996 and republished after modifications in Monitorul Oficial No.1136/1 December 2004

Non-compulsory education in Romania during the academic year 2003/2004 includes: senior secondary education (level ISCED 3) - the senior high school cycle (two or three years) preceded by supplementing grade in the case of graduate of schools for arts and crafts, and provides general and specialized courses leading to the continuation of studies in post-secondary education (level ISCED 4) or in higher education system. The tertiary education (the higher education system – level ISCED 5) is composed of short-term higher education in colleges for two or three years and long-term education in universities for four to six years. Due to the effective implementation of the Bologna Declaration³⁶ at the level of higher education in Romania, beginning in autumn 2005, the structure of the tertiary education will reflect the three years (for bachelor) + two years (for master degree) + three/four years (doctoral degree) specific to the majority of higher education systems in Europe.

The provision of language education in non-compulsory education is ensured for all levels. The education in one's mother tongue and in modern languages is granted by the Law of Education No.84/1995 and by Orders of Minister of Education that approve the curriculum plans, including special hours for national minorities' languages, as well as for modern languages. In the non-compulsory education, the orders that establish the number of hours per week for language education are the following³⁷: Order no.5004/14.10.2004, Order 5723/23.12.2003 - for the schools of arts and crafts; Order 3008/05.01.2005 – for the supplementing grade; Order 5493/09.12.2004, 4611/21.07.2003 and 4475/16.09.2002 for professional school; Order 5723/23.12.2003 and 4611/21.07.2003 for technologic high-school; Order 3973/27.04.2005, 3974/27.04.2005, 5493/09.12.2004, 4611/21.07.2003 and 4475/16.09.2002 – for post high school education .

The language policies are generated by universities as a result of their autonomy as institutions of higher education. These policies can be included in the higher education institution's Charta which establishes the role, status and functioning of the university or can be conceived separately as a legislative instrument of the University. In Romania, the general policy concerning modern language education is to offer, at least in the first two years, compulsory courses in two modern languages and optional courses in modern languages for the rest of the academic training. The linguistic centres created at the level of universities also offer courses and exams for certification in a wide range of subjects as well as languages.

Romanian universities offer study programmes in minorities' languages such as – for German language - Technical University in Cluj - Faculty of Electrical Engineering, Faculty of Mechanical Engineering); "Politehnica" University – Timișoara (Faculty of Architecture, Faculty of Mechanics); Academy of Economic Studies – Bucharest (Faculty of Economic)

"Babeș-Bolyai" University defines itself as a multicultural institution offering access to education in three complete lines of study – Romanian, Hungarian, German and professional development in different modern languages³⁸.

For example, at Babeș-Bolyai University³⁹ two aspects of the context of the language policy are worth noting: here, the policy is explicitly situated in a European context, with explicit references in the

³⁶ Bologna Declaration was signed in 19 June 1999 in Bologna and aimed to start the development of European Higher Education Area

³⁷ see www.edu.ro/ipt

³⁸ 15 out of 21 faculties provide both a Romanian and a Hungarian curriculum, and 9 of them provide both a Romanian and a German curriculum. There are also two faculties – the faculty of Reformed theology and the Faculty of Roman-catholic Theology –, which provide courses in Hungarian only. University is offering 105 specializations in Romanian, 52 in Hungarian, 13 in German and 4 in English- <http://ubbcluj.ro>

³⁹ Chambers A., (2003) *Language policy in higher education in Europe*, a pilot survey, University of Limerick, IE, http://userpage.fu-berlin.de/~enlu/downloads/Language_policy_in_higher_education.doc. This pilot survey was produced as a part of the work of the European Language Council's (ELC) Interest Group on Language Policy in Universities in Europe, which was set up by Wolfgang Mackiewicz in 2001,³⁹ a pilot survey was undertaken in 2002/2003, and a questionnaire was sent to the higher education institutions which are members of the ELC, 150 in all. The aim of the survey was to obtain information on the current situation concerning language policy among the members in order to assist the Interest Group in its activities.

introductory paragraph to the Bologna Process and the 1+ 2 recommendation, which suggests that two languages should be learned in addition to the mother tongue,⁴⁰ and the introduction of the provision to develop “key abilities” - communication skills, intercultural communication skills, self-training, etc - needed in shaping the European citizen of the future’, is once again based on European documents. It includes provisions for the study of two languages (Languages B and C), in addition to the mother tongue (Language A), and also the optional study of the mother tongue. For Language B, an initial diagnostic test is followed by a mandatory course (two hours per week for the first four semesters), focusing on specialised language use, the skills needed in a future profession, and intercultural communication skills. Linguistic performances are examined according with the European standards.⁴¹ The study of Language C for two hours per week is mandatory, with a focus on listening and reading skills (general and specialized language), followed by a final examination in the context of the Common European Framework. The language centres of “Babeş-Bolyai” University – Alpha Centre and Lingua Centre organise courses and examinations for Language Proficiency certificates which are a prerequisite for the bachelor degree, master and doctoral exams, for promotions, employment, applications for scholarships abroad. Also, the policy offers the opportunity to organise optional mother tongue units to refine written and oral communication skills at academic level.

Adult education⁴² and life-long learning started to be developed in post-communist Romania. The continuing education is especially delivered at university level and was introduced by different educational regulations⁴³. In terms of language education, universities developed linguistic centres that offer specific language education for local community or business partners of the university.

After the opening of 1989, the Romanian civil society starts its development – one of the first NGOs that appear after 1989 have as aim the protection of human rights and democracy, and become real and efficient monitoring agencies in the field of human rights, such as: Liga ProEuropa⁴⁴, Asociația Prodemia⁴⁵, APADOR-CH⁴⁶.

The reports of these associations, as well as the reports of the National Council for Combating Discrimination⁴⁷ still reveal cases of discrimination. Some of those cases relate to discrimination in education, especially in the field of equal access for ethnic minorities and language education provisions for minorities. Thus, two relevant examples were selected.

A 2004 report,⁴⁸ of the Media Monitoring Agency presents a discrimination case in education that was reported to the National Council for Combating Discrimination. A short description of the case is presented below:

⁴⁰ *White Paper on Education and Training. Teaching and Learning – Towards the Learning Society*. Brussels: European Commission, 1995. COM(95)590.

<http://europa.eu.int/en/record/white/edu9511/>

⁴¹ As an example see Council of Europe (2001), *A Common European Framework of Reference for Languages. Learning, Teaching, Assessment.*, Cambridge University Press, Cambridge.

http://www.culture2.coe.int/portfolio/documents_intro/common_framework.html

⁴² Order no. 3062 / 18 January 2000 concerning the Programme of adult education.

⁴³ for a detailed presentation see www.edu.ro/edadul.htm

⁴⁴ Liga Pro Europa is a one of the first nongovernmental organizations appeared after 1989, aiming to promote interculturality, human rights and minority right, civic education and conflict resolution – www.proeuropa.ro

⁴⁵ Asociația Pro Democrația – is an ONG established on 1990 that promote human rights and democracy – www.apd.ro

⁴⁶ Established in 1990, APADOR-CH (Association for the Defence of Human Rights in Romania – the Helsinki Committee) is a non-governmental, non-profit organisation that strives to change both the legislation and the mentalities in the field of civil rights, stress being laid on individual freedom, the right to privacy, fair trial, access to information, etc. and on the rights of minorities - <http://apador.org.ro>

⁴⁷ National Council for Discrimination is a governmental structure establish to strehgnt non-discrimination practices in Romania

⁴⁸ Weber R., Ionescu I., Gergely D., Morteau M., Buhuceanu F., Tesiu R and Nicula G. (2004), *Combating dicrimination – The efficiency of governmental and non governmental initiatives*, Agentia de Monitorizare a Presei – Academia Catavencu, pp.32-33

Case RomaniCRISS⁴⁹ vs. ISJ Sălaj and Cehei School - In the Cehei village, under the administration of Simleul Silvaniei town (Salaj County), Roma children were studying separately from the majority of children attending gymnasium school in the village. Roma representatives complained, among other things, about the insufficient space for Roma ethnic pupils, lack of qualified teachers, and the state of the classrooms where the children were studying. The report of the case is as follows: "Considering the state of facts, the opinion of local authorities, of Roma parents and children, and the opinion of majority children and teachers from Pusta Vale village regarding the differentiated and unjust treatment of Roma children, on 10 March 2003, Romani CRISS intimated Education and Research Ministry, and on 13 March, the County School Inspectorate (ISJ) from Sălaj. The complaint presented the situation at the public school in Cehei Village and asked for these institutions' official point of view and that the Ministry's representatives started an investigation in this respect. On 12 May 2003, Romani CRISS submitted a complaint to the National Council for Combating Discrimination (CNCD) according to Article 2, paragraph 1 and 2 of Law 48/2002. On 4 June 2003, Ministry of Education and Research – General Directorate for Minority Education and Languages (DGILM) informed Romani CRISS:⁵⁰ about the measures that were taken to improve the conditions in Cehei Village but also stated that: "...currently, the effective location for educational activities is limited and the children study in two different shifts, but all the facilities and the endowment of the school is available to all the teaching and student body, without discrimination ...". National Council for Combating Discrimination on 22 July 2003 answered to Romani CRISS: "...following the analysis of the petition submitted, we issued Decision 218/23.06.2003 stating: 1. The presented deeds are discrimination deeds according to Article 2, paragraph 2 of the GO 137/2000 2. General School in Cehei will be sanctioned with a warning".

A special report of the Liga ProEuropa and APADOR-CH describe the case of discrimination in language education provision of the Hungarian ceangai, a community from Moldavia. In 1997 several inhabitants of the Cleja and Pustiana Villages request the School Inspectorate Bacau County to organise the education in Hungarian language, for their children, under the regime of a modern language – two hours / week. The request was rejected and as a consequence, the children were sent to study Hungarian language in Transylvania and private lessons were also organised. The Ministry of Education and the Department of Minorities conducted an investigation in 2000 and elaborated a report on the situation, recommending the organisation of two study groups of the Hungarian language in Pustiana and Cleja Villages, which had no effect. In 2000, the ambassador of the United States visited Cleja village. The situation of this group drew the attention of the Council of Europe and the Council Report adopted the recommendation 1521/2001 with specific measures to prevent the extinction of this group that represents "an exceptional value for Europe". Until December 2001, when Liga ProEuropa and APADOR-CH conducted the second investigation in the region, none of the central authorities or the local authorities had taken any measures. In February 2001, AMCM⁵¹ send to the School Inspectorate a request for the possibility of using the classrooms after the educational programme for the study of Hungarian language: The request was signed by 77 parents. The answer received was a negative one. In September 2001, AMCM started a Hungarian study programme, in a private setting. In Cleja, around 100 children took those courses. In response to this, the directors of the schools in Pustiana and Cleja informed the School Inspectorate in Bacau that a "parallel" school system was opened in Cleja. A commission of the Inspectorate conducted an investigation and interrogated the owners of the private houses, threatening them with fines and house search, and telling them that if they want to learn Hungarian they should emigrate to Hungary. A lot of anti-Hungarian articles appeared in the media at the same time, children in the school were threatened and the marks for behaviour were reduced in some cases. Consulted by the representatives of Liga ProEuropa and APADOR-CH, the Prefect of Bacau County knew the situation and had the same position as School Inspectorate considering that "ceangai" were at origins Romanians and as a consequence their request for the study of Hungarian language was illegal.

⁴⁹ Romani CRISS is one of the prestigious Roma organization in Romania

⁵⁰ See MECT – DGILM address no 31723/04.06.2003;

⁵¹ AMCM – Association of the Hungarian Csango of Moldova

4. Conclusions

The provisions of legislative frame for the protection of human rights in language education

A coherent recognition policy of minorities' languages was developed in time and produced important effects at the community level in the field of – language education, use of language in education - oral and written communication, access to culture in a specific minority language, symbolic use of the language. At the level of the whole educational system, a coherent and complete legislative package regulates the linguistic policy for compulsory and non-compulsory education. Representatives of minorities, as well as of the civic society started to play an important role in the political life after 1989 and an active role in developing legislative measures and monitoring the effects of this legislation

Linguistic policy and legislation in Romania provide the frame for an equal and democratic education in minorities' languages as well as in modern languages

Results of the implementation

The democratisation of Romania has determined a quick evolution of the language education opportunities both in compulsory and non-compulsory education, as well as in non-formal education – it has opened the access to European programmes and by that, access to the opportunity of gaining cultural and professional experience in a different language.

If the human rights principles in education have been well introduced and sustained by legislative measures over time, the actual democratization of society is a much slower process. At the community level discrimination in education, especially in the field of opportunities of learning in one's mother tongue are still present, if we speak mainly about minorities (see the reports presented below for an example).

Effect at the level of community and individuals

At the level of the community, the linguistic policy determines a more open attitude towards different cultures – minorities' cultures or European cultures as well as a better understanding of the role of language in building identity. At the level of minority groups, people are more and more aware about their rights and freedoms and are actively involved in the civil society or in politics in order to sustain and protect them.