



High Commissioner on National Minorities

CHECK AGAINST DELIVERY!

**Statement by the OSCE High Commissioner on National Minorities on the occasion of his mission to Romania
on 28-31 August 1995
Bucarest, 1 September 1995**

During my mission to Romania on 28 - 31 August 1995 my main purpose was to evaluate the recently adopted Law on Education, taking into account especially the importance which mother tongue education has for the protection and the promotion of the identity of national minorities. In formulating my opinion I have based myself on international standards subscribed to by Romania regarding the identity of national minorities in general and more specifically, those regarding minority education. I refer especially to the 1990 OSCE Copenhagen Document, but also to the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to the 1994 Council of Europe Framework Convention for the protection of National Minorities.

In Article 34 of the Copenhagen Document, the OSCE states commit themselves to endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue.

According to Article 4, paragraph 3, of the UN Declaration, States should take appropriate measures so that, whenever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. Persons belonging to minorities should also have adequate opportunities to gain knowledge of the society as a whole and be able to participate fully in the economic progress and development in

their country.

The provisions on minority education in the Framework Convention have, according to its explanatory report, been worded very flexibly, leaving Parties a wide measure of discretion. The explanatory report also states that knowledge of the official language is a factor of social cohesion and integration. It also emphasises the promotion of tolerance and intercultural dialogue.

The international standards, therefore, while rejecting any assimilation against their will of persons belonging to national minorities, favour integration. Persons belonging to minorities should enjoy an education system which would roster their identity at the same time as enabling them to learn the official language and participate in the public life and development of their country. The international standards do not require minority language instruction in all subjects or at all levels of education.

The Law on Education as adopted on 29 June 1995 allows, in general, a considerable flexibility in its implementation. Against this background, I attach considerable importance to a number of clarifications and explanations which I received from the Government.

Amongst these are the following:

1. The provision in Article 8 of the law on Education which states that classes in Romanian are organized and function in each locality should be read in conjunction with Article 119 of the law which states that groups, classes, sections or schools with teaching in the language of national minorities may be established, taking into account local needs, upon demand and in conformity with the law.
2. The authorities will not try to influence in any way the choice of a school or a class by the parents or guardians of a pupil. The decision to opt for a minority language or a Romanian language school or class is left entirely to them.
3. The provision in Article 8, paragraph 1, of the law regarding the creation of Romanian language classes will have no adverse financial consequences for minority language schools or classes.
4. The law allows the existence of private denominational schools provided they will function in accordance with

Chapter XI of the Law on Education, Article 103, paragraph 4, which stipulates that private education institutions and units may get state support is also applicable to these schools. The same applies to the vocational, technical, economic, administrative, agricultural, forestal and mountain agricultural secondary and post secondary forms of education, mentioned in Article 122 of the law.

5.Regarding Article 120, paragraph 3, which requires that in textbooks regarding the history of Romanians the history and traditions of the national minorities of Romania will also be reflected, I have been informed that experts from the national minorities will be requested to contributed to these books.

6.While public university education in minority languages will continue to be restricted to teacher training and the cultural/artistic field, possibilities exist for additional private university education also in other fields (Law No 88 of 1993).

The Romanian Government has declared on several occasions that it will fully respect the international standards I have mentioned about. I expect, therefore, that the provisions of the Law on Education will be implemented in a manner which will be in conformity with these standards.

In applying these international standards, there is, however, also the necessity to take into account the specific educational needs of persons belonging to national minorities, which differ from case to case. Against this background it would in my view be important to review the effects of the implementation of the new law at regular intervals. In the context of such a review I would recommend as a subject of special attention the addition of socio-economic subjects to those which can already be studied in the minority language at present by the Romanian Council for National Minorities. Similarly, the possibilities for minority language education in vocational schools ought in my view to be subject of special attention taking into account the degree of interest shown for such education by persons belonging to national minorities.

I hope to be able to analyze the process of the implementation of the law, also taking into account the various directives concerning its implementation which are now being prepared. In this context; I welcome especially the invitation of the Prime Minister to visit Romania again in the near future.

Max van der Stoel

1 September 1995