

## **Draft Law on the Statute of National Minorities living in Romania**

### **Chapter I. General provisions**

**Art. 1.** This law regulates the juridical statute of the national minorities living in Romania.

**Art. 2.** The national minorities are recognized as constitutive factors of the Romanian state, as a part of the Romanian people's unity.

**Art. 3.** By national minority we understand any community of Romanian citizens, living on the territory of Romania from the moment the modern Romanian state was established, that is numerically inferior to the majority population, with its specific ethnic identity expressed by culture, language or religion, and who wishes to preserve, express and promote its identity.

**Art. 4. (1)** The persons belonging to national minorities are Romanian citizens, expressing free and unhindered the affiliation to a national community, or individuals under age whose parents or legal tutors declared this affiliation.

**(2)** The public authorities have the obligation to accept as such these statements.

**Art. 5.** The state acknowledges and guarantees to persons belonging to national minorities, as well as to persons belonging to national minorities the right to preserve, promote and express their ethnic, cultural, linguistic and religious identity.

**Art.6.** All individuals are equal before the law and are entitled without any discrimination to equal protection of the law.

**Art. 7. (1)** The state encourages the spirit of tolerance and the intercultural dialogue and will take effective measures in order to promote reciprocal respect, understanding and cooperation between all citizens, irrespective of their ethnic, cultural, linguistic or religious identity, especially in the fields of education, culture and mass-media.

**(2)** The public authorities will take the necessary measures in order to protect the persons that may be victims of threats or acts of discrimination, hostility or violence, because of their ethnic, cultural, linguistic or religious identity.

**Art. 8. (1)** Any discrimination or instigation to discrimination based on

affiliation to a national community leads to contraventional responsibility of the guilty person, if the penal law is not applicable.

(2) According to this law, the following are not considered discrimination: the measures taken by the public authorities or by juridical persons in favour of a person, a group of persons or a community ensuring their natural development and equal chances in relation with other persons, groups of persons or communities, as well as affirmative measures aiming at protecting the disadvantaged groups.

**Art. 9. (1)** The identity of national communities represents a fundamental value of the Romanian state, acknowledged and protected by the law.

(2) In the spirit of this law the elements of identity are: language, culture, the immovable and movable cultural patrimony, traditions and religion.

(3) These elements are preserved, expressed and promoted through educational and cultural institutions, mass-media as well as the institutions of cults acknowledged by law.

**Art. 10. (1)** The state acknowledges and guarantees to persons belonging to national minorities the right to express freely their national identity in all the fields of political, social, scientific, cultural and economic life.

(2) The free expression of national minorities' identity or the exercise or non-exercise of the rights stipulated in this law cannot bring any disadvantage or prejudice to persons belonging to a national minority.

(3) The persons belonging to national minorities may express freely their thoughts, opinions, belief and creations of any kind in writing or through images, sounds or any other means of communications in public.

(4) No normative document can restrict the use of a language in the exercise of the right stipulated at paragraph (2).

**Art. 11.** In all matters regarding the rights of persons belonging to a national minority the competent authorities are compelled to take into account the will of the representatives of the respective national minority.

**Art. 12. (1)** The following are prohibited: the instigations to national, racial or religious hatred, the instigations to discrimination or public violence against national minorities.

(2) The committing of the deeds stipulated at paragraph (1) brings about the penal responsibility of the guilty person.

**Art. 13. (1)** Any policy or practice of the public authorities having as goal, or as consequence the direct or indirect ethnic assimilation of the persons belonging to national minorities against their will is hereby prohibited.

(2) No public authority can require to a person to declare the affiliation to a national minority in written or orally except the cases mentioned in the law.

**Art. 14. (1)** The state acknowledges and guarantees to persons belonging to national minorities the right to live freely on the territory of Romania, to maintain traditional liaisons established in the course of history in those areas of

the country where they are traditionally established.

(2) Any normative or administrative measure, direct or indirect, leading to an alteration in the ethnic composition of a region traditionally inhabited by certain ethnic communities is hereby prohibited.

(3) It is hereby prohibited the alteration of the limits of administrative-territorial units, respectively the electoral circumscriptions to the detriment of the percentage of national minorities traditionally living there.

(4) The state ensures to persons belonging to national minorities the conditions related to the preservation of traditional contacts and liaisons with persons having in common the ethnic, cultural, linguistic or religious identity legally present in other states, especially in the fields of culture, education, vocational training and permanent education.

(5) The state promotes transfrontier co-operation between the public local administration authorities from the areas where the same language is used in identical or similar form.

**Art. 15.** The national minorities, respectively the persons belonging to national minorities may use their specific national symbols and may organize their own national and religious holidays, in the conditions of the law.

## **Chapter II**

### **Preservation, expression and promotion of national identity**

#### **Section 1 – Education of national minorities**

**Art.16. (1)** The persons belonging to national minorities have the right to learn in their mother tongue, to benefit from education and teaching in public units and institutions with teaching in mother tongue at all levels, forms and types of education, in the conditions of the law.

(2) The organizations and associations of citizens belonging to national minorities have the right, according to the law, to establish, organize and ensure the functioning of private educational units and institutions in the mother tongue, which benefit from stipends from the state budget or the local budgets.

(3) The religious cults have the right to establish, organize and ensure the functioning of confessional educational units and institutions in the mother tongue of the parishioners, units and institutions which benefit from stipends from the state budget or the local budgets in the conditions of the law.

(4) The parent or any other appointed legal guardian has the right to choose the language and the education type for the underfull legal age children.

(5) In the pre-university education with teaching in the languages of national minorities all the subjects may be studied in the mother tongue, with the exception of the Romanian language and literature.

(6) The state has the obligation to ensure adequate scholar curriculum and textbooks elaborated to the end of successfully learning Romanian language on

the course of pre-university education, taking into account the needs specific to each national minority.

**Art.17.** The state has the obligation to guarantee in the system of public education the following:

a.) learning of the mother tongue at all levels, forms and types of education, in the conditions of the law;

b.) pre-school education with teaching in mother tongue, in separate kindergardens or in separate groups, upon request;

c.) the elementary, secondary, vocational, arts and crafts, highschool and vocational education with mother tongue teaching, upon request, in separate schools, sections, classes, if needed;

d.) the university education with teaching in mother tongue, upon request, in universities, faculties, colleges, cathedras and distict groups, if necessary;

e.) the postgraduate education in the mother tongue;

f.) the possibility to take the speciality examinations, the examinations for occupying a vacant position, the examinations to obtain the didactical and professional degrees at all levels and the examinations to obtain various scientific titles in the institutions or educational units in the language of the national minorities at all levels, ensuring, if necessary, the translation;

g.) the specialization of didactic personell in mother tongue;

h.) the establishment of institutes, departments and sections for the research of traditions, culture, language, history, life and specific social problems of national minorities within the existent research institutes or the establishment of new institutions having these duties;

i.) the appointment of directors, respectively deputy directors belonging to national minorities in the educational units having sections with teaching in the mother tongues of national minorities.

**Art. 18. (1)** Concerning the establishment, elimination, functioning of public educational units and institutions with teaching in the mother tongue and the establishment of their educational offer, the legal representatives of the respective national minority will be consulted and no such measure will be taken without the prior approval of the National Council of the Cultural Autonomy belonging to the respective national minority, respectively with the approval of the representative organization of that national minority.

(2) The appointment or change of management of the educational institutions and units mentioned at paragraph (1) will be made only with the prior approval of the National Council of the Cultural Autonomy belonging to the respective national minority, respectively with the approval of the representative organization of the respective national minority.

(3) The adoption of the analytic curriculum of the mother language and literature subjects and history and traditions of the respective national minority,

as well as the selection of mother tongue textbooks from all the subjects taught in the language of the respective national minority will be made only with the prior approval stipulated at paragraph (1).

(4) In the public institutions having sub-units with teaching in mother tongue all the decisions related to the establishment, elimination or reorganization of these sub-units will be taken only with the prior approval stipulated at paragraph (1).

(5) At the appointment or the change of management of the institutions of education having sub-units stipulated at paragraph (4), the consultation of the National Council of Cultural Autonomy belonging to the respective national minority, respectively of the representative organization of that national minority is obligatory.

(6) The representatives of national minorities, herewith stipulated, at national or county level, are authorized to initiate the establishment of institutions or sub-units in the existing educational institutions with teaching in the mother tongue of the respective national minority at all levels and in all fields of specialty if the request is based on a sufficient number of potential students according to the legislation in force.

(7) In applying the provisions of the paragraph (1)-(6) the methodologies elaborated by the Ministry of Education and Research will be observed.

**Art. 19. (1)** In the pre-university educational system may function upon request educational units as separate legal entities, classes and groups with the teaching language of a national minority having a smaller number of students than the legal one if in the respective locality does not function another unit with the same level, or, in case, the education in the mother tongue will be ensured in a close locality.

(2) To the end of a proper functioning of the educational institutions, classes and groups stipulated at paragraph (1) the financing share granted for a student will be supplemented with an adequate percentage according to the legislation in force.

(3) In order to guarantee equal chances regarding the access to scholar textbooks, the state will organize procedures of public purchases separately for the textbooks for education in the languages of national minorities.

## **Section 2. – The culture of national minorities**

**Art. 20. (1)** The state guarantees to the persons belonging to national minorities the protection and preservation of their cultural inheritance and the promotion of the contemporary creativity.

**(2)** The national minorities have the right to public cultural institutions.

**(3)** The natural persons and legal entities belonging to a national minority may establish, manage, support and sustain private cultural institutions.

**(4)** The central and local public authorities will ensure financial support to these cultural institutions, in the conditions of the law.

**Art. 21. (1)** Concerning the establishment, elimination, organization and functioning of the public cultural institutions or their sub-units in the language of national minorities and of those having as goal the research, preservation and promotion of their own culture, the representatives of the respective national minority will be compulsory consulted and no measure will be taken without the prior approval of the National Council of Cultural Autonomy belonging to the respective national minority, respectively with the prior approval of the organization belonging to that minority.

**(2)** The appointment or the change of management of the public cultural institutions stipulated before will be made with the prior approval stipulated at paragraph (1).

**(3)** In case the management position is occupied through contest, the prior approval will be given concerning the enrollment to the contest.

**Art. 22.** The central and local public administration competent authorities together with the representatives of the national minorities have the obligation to preserve and promote their historical monuments and the immovable and movable cultural patrimony.

**Art. 23.** The state together with the local public administration authorities will support through organizations belonging to national minorities various cultural programs, actions of dissemination, propagation and popularization of the cultural values, folklore traditions, inter- and multicultural relations, the creation of literary works, scientific studies in the mother tongue, activity of literary and historical research of the respective community.

**Art. 24. (1)** The public institutions promoting the culture of national minorities, as well as the private institutions established by these minorities may maintain and promote relations with institutions and organizations with similar objectives and activities from other states in order to achieve their goals.

**(2)** The state will support the promotion of the culture of national minorities abroad through cultural Romanian centres at a level at least equal to the percentage of each national minority.

### **Section 3. – Mass-media**

**Art. 25.** The persons belonging to national minorities have the right to disseminate and to exchange data in their mother tongue and to have access to this data. The state grants financial support to the mass-media, in the conditions of the law.

**Art. 26. (1)** The public radio and TV stations will provide spaces for the shows in the language the national minorities at adequate hours and with possibilities of hearing, respectively viewing them on the whole territory of the country.

**(2)** The management of the editorial staff in the language of minorities from the public radio and TV stations will be appointed with the prior approval of the National Council of Cultural Autonomy of the respective national minority, respectively with the prior approval of the representative organization of that national minority.

**(3)** It will be ensured, upon fundamented request from the national minorities, to those minorities having a significant percentage regional radio or TV shows at the public stations during the whole day. Aspects concerning ensuring these shows will be regulated in special norms.

**Art. 27.** According to the principle of equality of chances, the state, through its competent authorities, facilitates the establishment and functioning of private radio and TV stations belonging to national minorities, as well as the direct receiving of radio and TV channels broadcasting in the languages of national minorities from other states.

### **Section 4. – Religious liberty of the persons belonging to a national minority**

**Art. 28.** The state guarantees the equality of cults, as well as their institutional and functional autonomy.

**Art. 29. (1)** The persons belonging to national minorities have the right to profess and to practice their religion, as fundamental element of the identity, to benefit from church services in the mother tongue, or, in case, in the language chosen by the members of that community, to procure, to possess and to use cult objects, respectively to establish and to practice a religious or secular education in their mother tongue according to the law.

**(2)** No person can be discriminated based on his or her religious beliefs.

**Art. 30.** The cults may establish associations and foundations, respectively cultural-educational and social-charitable units, activities supported by the state in the conditions of the law.

## **Section 5. – The use of mother tongue**

**Art. 31.** In the administrative-territorial units where the citizens belonging to a national minority have a significant percentage, in the conditions of the Public local administration law no. 215/2001 it will be ensured:

**a.)** the use of mother tongue in written and orally in the relations with the authorities of the local public administration as well as with the decentralized public services;

**b.)** the inscription of the denomination of localities as well as the denomination of public institutions also in the language of the respective national minority;

**c.)** the issue of the normative administrative documents also in the language of the respective national minority;

**d.)** the communication upon request of the individual administrative documents also in the language of the respective national minority;

**e.)** the use of the mother tongue in the meetings of the local and county councils;

**f.)** the organization of courses for professional requalification also in the language of the respective national minority;

**g.)** the possibility to organize courses and exams in order to obtain the driving license also in the language of the respective national minority.

**Art. 32.** The central public authorities, at the request of the organization belonging to a national minority, will ensure, in the conditions of the law, the issue of normative documents of general interest also in the language of the respective national minority.

**Art. 33. (1)** The competent public authorities, on the occasion of the elaboration of the civil status documents will use the surname and forename of that person in the language of the national minority to whom he or she belongs and will comply with the spelling rules of this language.

**(2)** The translation or transcription with another spelling of the surname and forename of a person without the prior consent of that person is hereby prohibited.

**Art. 34. (1)** The state guarantees to the persons belonging to a national minority the right to express themselves in their mother tongue before the law courts, according to the law.

**(2)** The state guarantees to persons belonging to a national minority the right to conclude their marriage before a civil status officer in their mother tongue.

**Art. 35.** The detainees from the prisons may use their mother tongue in communicating between them, with the visitors, as well as when receiving and dispatching letters in their mother tongue.

**Art. 36. (1)** In order to guarantee and exercise of the rights mentioned at articles 31-35 the state will ensure the training of those civil servants, police officers and agents, court clerks and authorized translators who, according to the legal provisions in force, must also know the language of a national minority.

**(2)** To the end of taking persons belonging to national minorities on the police staff, the state will ensure a schooling number destined to them.

**Art. 37.** Within the administrative-territorial units where citizens belonging to national minorities have a significant percentage, in the sanitary institutions, old people's homes, social assistance centres and placement centres will also be employed medical specialty staff familiar with the language of the respective national minority.

**Art. 38.** The central and local public authorities, cultural institutions, educational institutions with teaching in mother tongue, the cults recognized by the law may issue documents, certificates and diplomas, reports, respectively may use any document with economic character also in the language of the respective national minorities, stipulating the data in the Romanian language. The documents thus issued will be considered valid by the competent authorities.

### **CHAPTER III.**

#### **The organizations of citizens belonging to national minorities**

**Art.38. (1)** The organizations of citizens belonging to national minorities may be established in one of the following modalities:

**a.)** according to the Governmental Ordinance no. 26/2000 regarding the associations and foundations, with the subsequent modifications and completions, having the rights and obligations stipulated in the Ordinance; these cannot run for the parliamentary, presidential or local elections;

**b.)** according to this law, for the organizations of citizens belonging to national minorities stipulated at art. 62 alin (2) from the Constitution, which take part at the parliamentary, presidential and local elections.

**(2)** This law regulates only the organizations of national minorities stipulated at paragraph (1) letter b).

**Art. 40 (1)** The organization of citizens belonging to a national minority represents the legal entity established by persons having full capacity of exercise who declare themselves as belonging to that national minority and who, based on an agreement, bring together without the right to restitution the material contribution, their knowledge or their work contribution in order to achieve an activity in the interest of guaranteeing the right to preserve, express and promote their ethnic, cultural, linguistic, religious identity, respectively to constitute,

promote and protect the institutional and legislative framework necessary in order to achieve this communitary interest of the respective minority.

(2) The number of members of an organization of citizens belonging to a national minority cannot be smaller than 10% from the total number of the citizens that declared their affiliation to the respective minority at the last census.

(3) In case 10% from the total number of citizens registered as belonging to a minority in the last census is equal or surpasses 25.000 persons, the list of founding members must contain at least 25.000 persons, domiciled in at least 15 counties from Romania, but no less than 300 persons for each of these counties.

(4) Persons that do not belong to a national minority may be members of an organization of citizens belonging to a national minority, but their number cannot surpass 25% from the total number of the members of the organization at local, as well as at national level.

(5) A person cannot be member of two organizations belonging to the same minority, registered according to the provisions of this law.

**Art. 41 (1)** The registration request of an organization belonging to a national minority will be deposited at the Bucharest Tribunal, accompanied by the following documents:

- a.) the statute;
- b.) the constitutive document together with the list of signatures of the founders;
- c.) conclusive documents regarding the registered office and the patrimony.
- d.) conclusive documents related to the conditions mentioned at art. 49.

(2) the request will be signed by the manager of the organization and at least 3 founding members.

(3) Within the Bucharest Tribunal will be established a Special Register in order to register the organizations of citizens belonging to a national minority set up according to the provisions of this law.

(4) The organization of citizens belonging to a national minority becomes a legal entity when registered in the Register of the organizations belonging to national minorities.

(5) Within 3 days from the deposit of the registration request and of the documents stipulated at paragraph (1) the judge appointed by the president of the law court verifies the legality of these documents and orders, by way of conclusion, the registration of the organization in the register.

(6) The conclusions of admission or rejection are only subject of last appeal. The term of last appeal is of 5 days and flows from the date of communication for those missing. The last appeal is solved by summoning the parties, immediately and preeminently.

**Art. 42. (1)** On the list of signatures of the members must be mentioned, on each page, the date, place and purpose of the elaboration, as well as the surname and forename, date of birth, address, type of identity document, series and number, personal number, citizenship, nationality, respectively the signature of the founding members.

(2) The list will be accompanied by a personal statement of the person who made the list, attesting the authenticity of the signatures under the sanctions stipulated in art. 292 from the Penal Code.

(3) Each list will contain persons from only one locality.

(4) The lists will be grouped on localities and counties, in order to comply with the provisions mentioned at article 40, paragraphs (2) - (4).

**Art. 43. (1)** The statute will be concluded in front of the notary and will be signed by the management of the organization, under the sanction of complete nullity.

(2) the statute contains, under the sanction of complete nullity:

a.) the denomination of the organization;

b.) the organization's registered office;

c.) the functioning period - limited or unlimited period;

d.) the initial patrimony of the organization in total value of at least 50 times the minimum gross salary on economy at the date of establishment, in nature and/or in cash;

e.) the detailing of the purpose and objectives of the organization;

f.) the acquisition and loss of the quality of member;

g.) the rights and obligations of the members;

h.) categories of patrimonial resources of the organizations;

i.) attributions of the management, administration and control organs of the organization;

j.) destination of goods, in case of dissolution.

**Art. 44.** The constitutive document contains, under the sanction of complete nullity:

a.) the expression of the will to associate and the declared purpose;

b.) the denomination of the organization;

c.) the organization's registered office;

d.) the functioning period - limited or unlimited period;

e.) the initial patrimony of the organization in total value of at least 50 times the minimum gross salary on economy at the date of establishment, in nature and/or in cash;

f.) the nominal composition of the first management, administrative and control organs of the organization;

g.) the list of signatures of the founders, elaborated in compliance with art.42.

**Art. 45.** The General Assembly or the Congress represents the supreme

management organ and is composed of the total members or their delegates, chosen in the conditions stipulated in the statute of the organization, depending upon their statute.

**Art. 46.** The organizations of citizens belonging to national minorities may establish territorial divisions with or without juridical personality, depending upon their statute's provisions, in compliance with this law.

**Art. 47.** All the organizations of citizens belonging to national minorities that wish to develop an activity stipulated in this chapter are forced to re-register in compliance to this law, within 6 months from the entry into force of the present law, otherwise they will only have the rights and competences stipulated in the Governmental Ordinance no. 26/2000, with the subsequent modifications and completions.

**Art. 48.** The organizations of citizens belonging to national minorities stipulated at art. 39 paragraph (1), letter b) have the following competences:

a.) may take part to the parliamentary, presidential and local elections, according to the legislation in force, being assimilated to the political parties and benefiting from the legal facilities regarding obtaining a mandate in the public local administration as well as in Parliament in the conditions of art. 49;

b.) may represent the respective minority in the Council of National Minorities;

c.) may administer special funds received from the state budget or the local budgets for the purpose of achieving the goals stipulated at Art. 40, paragraph (1);

d.) will receive yearly allowances from the state budget in the conditions of the law;

e.) may propose, according to special laws, the appointment of representatives in the institutions, state organs or authorities active in the field of expression, preservation and promotion of the ethnic, cultural, linguistic and religious identity of the persons belonging to national minorities, or, if the special law does not stipulate such representation, the organizations will be consulted about the appointment of managers in these structures;

f.) will authorize representatives in the intergovernmental mixt commissions on issues concerning national minorities in order to conclude bilateral agreements between Romania and the country with which the respective national community forms a community of culture and language;

g.) may represent before national or international law courts persons or groups of persons whose interests have been prejudiced because of their affiliation to the respective national minority.

h.) may notify the National Council for Combating Discrimination in case of discrimination towards persons belonging to the national minority they represent.

**Art. 49.** (1). The organizations of citizens belonging to national minorities may take part to the local, parliamentary and presidential elections if they fulfill the same conditions mentioned in article 38 from the Governmental Decree no. 26/2000 with the following modifications and completions, established for associations and foundations recognized for public use, following their activity in the field of preserving, expressing and promoting ethnic, cultural, linguistic or religious identity.

(2) The verification and the attestation of the conditions mentioned at paragraph (1) is made by the Authority of Inter-Ethnic Relations.

**Art. 50.** The organizations of citizens belonging to national minorities that take part to the parliamentary, presidential or local elections are assimilated to political parties, and the regulations mentioned in the Law no. 14/2003 of the political parties referring to the appeal, cessation of activity or other aspects not regulated in this chapter, are applied in the conditions of the law and for the organizations of citizens belonging to national minorities.

#### **CHAPTER IV.**

#### **The Council of National Minorities (CNM) and the Authority for Inter-Ethnic Relations**

**Art. 51.** (1) The Council of National Minorities, hereinafter referred to as CNM is a public law entity, having juridical personality, composed from the organizations of national minorities represented in Parliament, thus collaborating to the end of guaranteeing the right to express, preserve and promote the ethnic, cultural, linguistic and religious identity of the national minorities from Romania.

(2) If there was no organization of a national minority to obtain the necessary votes for a parliamentary mandate, then the respective minority will be represented in the CNM by the organization that obtained the highest number of votes at the last elections.

(3) If several national minorities are represented in Parliament by a common organization, this organization will be member of the CNM.

**Art. 52.** (1) The CNM is a consultative body of the Government, it is organized and functions according to its own regulation, approved by governmental decision.

(2) The CNM carries on its activity in plenary sessions and on specialty commissions.

(3) The CNM gathers in plenary sessions, in ordinary meeting, each trimestre and carries on with its activity in the presence of the majority of its members.

(5) The specialty commissions are made up from the CNM representatives

of the organizations of citizens belonging to national minorities.

**Art. 53.** CNM has the following duties:

- a.) supports the activity of the organizations of national minorities;
- b.) proposes to the Government measures to improve the social and cultural life of the citizens belonging to national minorities;
- c.) analyzes and proposes to the Government the necessary measures in order to carry on in the best conditions the education in the languages of national minorities;
- d.) proposes to the administration boards of the public TV and radio stations measures to improve the shows in the languages of national minorities;
- e.) formulates points of view related to the draft laws concerning the expression, preservation and promotion of ethnic, cultural, linguistic and religious identity of national minorities;
- f.) formulates points of view related to Romania's reports on the enforcement of international documents related to the national minorities;
- g.) proposes to the Government or to parliamentary groups of the organizations of national minorities the initiation of normative documents regarding the expression, preservation and promotion of ethnic, cultural, linguistic and religious identity of national minorities;
- h.) decides in matters concerning the distribution of budgetary funds destined to the funding of the activity of the organizations of citizens belonging to national minorities, according to the law and proposes to the Government for approval, through the Authority for Inter-Ethnic Relations.

**Art. 54.** The funding of the activity of the organizations of citizens belonging to national minorities is made from the state budget, as well as from private resources.

**Art. 55. (1)** Through this law the Authority for Inter-Ethnic Relations is established, by the reorganization of the Department for Inter-Ethnic Relations, in the subordination of the Prime Minister, public institution with juridical personality, having as main goal the protection of national minorities living in Romania.

(2) In fulfilling its tasks, the Authority for Inter-Ethnic Relations carries out its activity independently.

(3) The manager of the Authority for Inter-Ethnic Relations is secondary coordinator of credits, distributing the funding from the state budget for financing inter-ethnic programs and projects as well as programs to combat intolerance, financing granted to the organizations of national minorities in compliance with the decision adopted by the CNM, respectively related to the budget necessary for the CNM's activity and other funds stipulated for the Authority for Inter-Ethnic Relations in the annual budgetary laws.

(4) The budget of the Authority for Inter-Ethnic Relations is contained in the budget of the General Secretariat of the Government.

- (5) The Authority for Inter-Ethnic Relations has the following attributions:
- a) elaborates draft laws and other normative documents from its field of activity;
  - b) approves draft laws and other normative documents related to the rights and duties of persons belonging to national minorities;
  - c) monitors the application of internal and international normative documents referring to the protection of national minorities;
  - d) follows the unitary application of the legal provisions concerning the protection of national minorities by the public authorities;
  - e) requires and receives, in the conditions of the law, data and information from the public authorities necessary to fulfilling its tasks;
  - f) maintains permanent connections and collaborates with the authorities of the public local administration, in order to identify and solve the issues specific to persons belonging to national minorities;
  - g) maintains the connection with the CNM in order to fulfill its tasks;
  - h) ensures the secretariat, as well as the infrastructure necessary to the functioning of CNM and coordinates its activity;
  - i) grants financial assistance to the organizations of citizens belonging to national minorities according to the decision taken by the CNM;
  - j) promotes and organizes programs related to the preservation, expression and promotion of the ethnic, cultural, linguistic and religious identity of the persons belonging to national minorities;
  - k) supports the scientific research in the field of inter-ethnic relations;
  - l) establishes and maintains relations with the governmental and non-governmental organizations from the country and from abroad, respectively with international bodies having as tasks to solution the issues related to the respect of the rights of persons belonging to national minorities.
  - m) fulfills any other attributions established by law;
- (6) The organization and functioning of the Authority for Inter-Ethnic Relations is regulated through governmental decision.
- (7) The Authority for Inter-Ethnic Relations exercises its prerogatives by adopting norms, regulations and instructions, respectively by issuing orders, dispositions, decisions, attestations and approvals.

## **CHAPTER V.**

### **Cultural autonomy**

**Art. 56.** The state recognizes and guarantees the cultural autonomy of the national minorities.

**Art. 57.(1)** In the spirit of the present law, cultural autonomy means the right of a national community to have decisional powers in matters regarding its

national, cultural, linguistic and religious identity, through councils appointed by its members.

(2) The execution of the decisions taken by the councils thus appointed is ensured by their own structures, or, in case, by other public competent authorities.

**Art. 58.** Cultural autonomy of national minorities refers to the following categories of competences:

a.) elaboration of strategies and priorities regarding education in the mother tongue of national communities;

b.) organization, administration and control of the education in the mother tongue, or participation in partnership with public competent authorities in carrying on these duties in the case of institutions from the public system education;

c.) organization, administration and control, in the conditions of the law, of the cultural private educational institutions or research and development of culture institutions in the mother tongue, or, in case, the participation in partnership with public competent authorities in carrying on these duties, in the case of public cultural institutions;

d.) establishment and administration of their own public press organs, or participation in partnership with public competent authorities at the organization of stations, sections, editorial boards or shows within the public radio and TV stations;

e.) participation at the elaboration of strategies and priorities for the preservation and valorization of the historical monuments, the immovable and movable cultural patrimony of the respective national minority;

f.) the administration or, in case, participation in partnership with public competent authorities, or monitorization of the administration of funds destined to finance specific activities in the field of preservation, promotion and expression of cultural, linguistic and religious identity of national minorities with the exception of funds mentioned at article 54;

g.) the appointment of the management of private educational institutions with teaching in the language of national minorities, as well as the private cultural institutions belonging to the respective national minority;

h.) the proposal of the appointment of the management of public educational institutions with teaching in the language of national minorities, as well as the public cultural institutions belonging to the respective national minority, in the conditions of the law;

i.) the proposal of the appointment of the management of public educational institutions where there are sub-units with teaching in the mother tongue of the national minorities;

j.) the proposal of the appointment of representatives of the respective national minority at the Ministry of Culture and Cults and the Ministry of

Education and Research, within departments having duties in the field of the culture of national minorities and education in the mother tongue of national minorities;

**k.)** establishment and awarding of cultural and scientific scholarships and prizes;

**l.)** establishment of special taxes, in compliance with the law, in order to ensure the functioning of the institutions of cultural autonomy.

**Art. 59. (1)** In order to exercise the competences and duties stipulated at art. 58, the organizations of citizens belonging to national minorities, may establish the National Council of Cultural Autonomy, hereinafter referred to as the Council, as autonomous administrative authority.

**(2)** Committees of cultural autonomy may be established at county level depending upon the option of a national minority if the respective national minorities have a significant presence in that county, in the cases when a National Council of national minorities was established, as well as in the cases when there is no such council.

**(3)** In the case a national minority does not initiate the establishment of a structure mentioned at paragraphs (1) and (2) from the present article, the representative organizations of the citizens belonging to a national minority may exercise the attributions and competences related to the cultural autonomy mentioned at art. 58 letter a), d), e), g), i), j) and k) respectively may formulate propositions in exercising the competencies mentioned at art. 58 letters b), c), f) and h) by the public authorities.

**Art. 60.** The attributions and competences mentioned at art. 58 are exercised according to the principles of decentralization and subsidiarity of the decisional competences.

**Art. 61. (1)** The National Councils of Cultural Autonomy established according to the provisions of this law are autonomous administrative authorities.

**(2)** The National Councils of Cultural Autonomy are established, organized and function according to this law and to its own regulations of organization of functioning, adopted according to the present law in the plenary session.

**Art. 62. (1)** The National Councils of Cultural Autonomy are established through internal elections carried out through secret, direct, equal and freely expressed vote of the persons belonging to the national minority whose Council is going to be established.

**(2)** The regulation concerning the internal elections is established through governmental decision, initiated by the Authority for Inter-Ethnic Relations, after consulting the representative organization of the citizens belonging to the national minority whose Council is going to be established.

(3) The organization and carry out of internal elections, according to the governmental decision adopted according to paragraph (2) is made by the representative organization of the citizens belonging to the respective national minority.

(4) The internal elections are supervised, and the results of the elections are confirmed by the Permanent Electoral Authority.

(5) At the internal elections may run the members of the organizations of citizens belonging to national minorities mentioned at art. 39, paragraph (1), letter a) and b).

(6) The candidatures will be deposited at the Permanent Electoral Authority, but not later than with 30 days before the date established through governmental decision for internal elections.

(7) The expenses incurred with the internal elections will be covered from the state budget.

**Art. 63.** The national community that intends to organize internal elections in order to set up a Council will deposit through its legal organization a memorandum to the Government of Romania which will establish through governmental decision and jointly with the organization of the respective national minority the date of elections, as well as the necessary expenses within 30 days of the entry into force of this law.

**Art. 64. (1)** The National Council of Cultural Autonomy is formed of a number of:

- a) 7 members, for the national minorities that had under 5.000 people declaring their affiliation to the respective national minority at the last census;
- b) 9 members, for the national minorities that had between 5.000 and 15.000 people declaring their affiliation to the respective national minority at the last census;
- c) 11 members, for the national minorities that had between 15.000 and 30.000 people declaring their affiliation to the respective national minority at the last census;
- d) 15 members, for the national minorities that had between 30.000 and 100.000 people declaring their affiliation to the respective national minority at the last census;
- e) 25 members, for the national minorities that had between 100.000 and 700.000 people declaring their affiliation to the respective national minority at the last census;
- f) 45 members, for the national minorities that had between 500.000 and 1.000.000 people declaring their affiliation to the respective national minority at the last census;
- g) 91 members, for the national minorities that had over 1.000.000 people declaring their affiliation to the respective national

minority at the last census;

(2) The duration of the mandate of the members elected in the Council is of 4 years.

**Art. 65.** (1) The National Council of Cultural Autonomy carries on its activity in plenary sessions and specialty commissions.

(2) The Council gathers in plenary session according to its own regulation of organization and functioning

(3) Within the National Councils of Cultural Autonomy there will be compulsory the organization of at least two specialty commissions as follows:

- a) The Commission for education and educational strategies;
- b) The Commission for culture and patrimony;
- c) The Commission for mass-media.

(4) Other commission may be established according to its own regulation of organization and functioning.

(5) The National Council of Cultural Autonomy of a community is managed by a president, helped by two vicepresidents and two secretaries.

**Art. 66.** (1) The decisions within the National Council of Cultural Autonomy and the specialty commissions will be adopted, as a rule, through the majority of the present representatives, with the exception of the decisions related to the:

- a) adoption of the educational strategies;
- b) adoption of the regulation of its own organization and functioning;
- c) creation of County committees;
- d) election of the president, vicepresidents and secretaries.

(2) In case of the decisions mentioned at paragraph (1), letters a)-d) the vote of the majority of the representatives of the National Council of Cultural Autonomy is necessary.

**Art. 67.** The decisions adopted in conformity with the provisions of art. 66 paragraph (2) will be published in the Official Gazette of Romania, Part I.

**Art. 68.** (1) The County committees will be established according to the decision of the National Council of Cultural Autonomy or according to the statute and the decision of the representative organizations of the national minorities that did not choose to establish their own National Council of Cultural Autonomy, in compliance with the representation regulations mentioned at article 64.

(2) The County committees have juridical personality, but are not autonomous administrative authorities.

(3) The County committees have the attribution to take part, in partnership with the competent public authorities, at exercising the competences mentioned at article 58, in compliance with the provisions of art. 59-60.

**Art. 69.** (1) After the official establishment, confirmed by the Permanent Electoral Authority, the Council will elaborate its own organization and

functioning Regulations.

(2) The organization and functioning regulations will be adopted with the vote of the majority of members of the Council and communicated to the Authority for Inter-Ethnic Relations.

**Art. 70.** (1) The Council, respectively the County committees, in case, will have their own structure whose expenses of functioning, organization and salarization will be covered from the state budget.

(2) A Permanent Secretariat will also function within the Council and Permanent Offices within the County Committees, having administrative and current management tasks.

(3) The structure of the Permanent Secretariat, respectively of the Permanent Bureaus will be approved by Governmental decision initiated by the Authority for Inter-Ethnic Relations, at the proposal of the Council, respectively the County Committees.

**Art. 71.** (1). The Parliament, the Government or the elected public local administration authorities may adopt, at the proposal of the National Council of Cultural Autonomy, respectively of the County committees normative documents delegating their own competences related to the exercise of the rights to preserve, express and promote the ethnic, cultural, linguistic identity of the national minority to the Council, or, in case, to the respective County committees.

(2). In the administrative-territorial units where a national minority has a percentage of at least 1% and no representative in the local council, the National Council of Cultural Autonomy, or, in case, the County committees may propose to the local council to debate matters related to the rights stipulated in the present law, and in the process of taking decisions in this field these Councils or County committees will be compulsory consulted.

**Art. 72.** The legal disputes that may arise between the National Council of Cultural Autonomy or County committees and the state authorities will be solved in compliance with the law in the administrative courts.

**Art. 73.** In the spirit of this law the state will consider representative, respectively legal, the organization of national minorities for the exercise of cultural autonomy, that has taken part and obtained mandates in the parliamentary elections, or, if no organization of the respective minority obtained a mandate, it obtained the highest number of votes.

## **Capitolul VI.**

### **Final and transitory dispositions**

**Art. 74.** In the spirit of this law, the national minorities living in Romania are the following communities: Albanese, Armenian, Bulgarian, Czech, Croat, Greek, Jewish, German, Italian, Macedonian, Hungarian, Polish, Russian-Lippovan, Roma, Ruthenian, Serbian, Slovak, Tartar, Turkish, Ukrainian.

**Art. 75.** In the exercise of the rights and freedoms flowing from the principles enshrined in the present law, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

**Art. 76.** The present law will be completed with the legislation into force.

**Art. 77.** The present law enters into force within 6 months after the date of publication in the Official Journal of Romania.

**Art. 78.** At the date of entry into force of the present law any contrary disposition is abolished.