

MEMORANDUM ON THE OBJECTIONS AND REQUIREMENTS OF THE DEMOCRATIC ALLIANCE OF HUNGARIANS IN ROMANIA ON MINORITY-LANGUAGE EDUCATION IN ROMANIA, WITH EMPHASIS ON THE HUNGARIAN COMMUNITY (JANUARY 1994)

According to Article 32, paragraph 3 of the Constitution of Romania persons belonging to a national minority „are guaranteed the right to study in their native language and to be educated in this language”.

However, an analysis of the legal framework governing organisation and implementation of education in the language of minorities, shows evident contradictions between the provisions of the Constitution of Romania and the actual governmental decrees and decisions which regulate education in Romania. In our opinion a right declared in the Constitution cannot be limited or restricted by any other subsidiary law.

There are several restrictions and contradictions in the draft Law on Education submitted by the government to the Parliament of Romania and discussed in the Committee for Education and Science of the Chamber of Deputies. In comparison to the provisions of the Constitution, Article 120, chapter XIII. of the draft Law on Education – „National minorities shall have the right to study and be educated in native language on all the levels and forms of education“ – takes over the provision of Article 32. paragraph 3 of the Constitution, but formulates other provisions which restrict or eliminate the legal principle mentioned above:

– Article 122, paragraph 1. „At all educational levels, except primary education, the history of Romania, the geography of Romania and civics will be taught in Romanian language.“

– Article 124. „In medical, technical, agricultural, legal, commercial and military education the courses for preparing experts shall be completed in Romanian language.“

- Article 125. „In higher educational groups and sections shall be established for teaching in the language of the minorities in order to train the staff necessary for pedagogical, cultural and artistic activities.“

Therefore, the draft Law on Education curtails the right to native-language education by making compulsory that certain subjects be taught only in Romanian and prohibits the use of minority languages in training of specialists. The consequences of such restrictions are presented in Appendix No. 11. The draft law limits the right to higher education in the language of minorities to preparing specialists needed for pedagogical, cultural and artistic activities.

Article 10 of the draft acknowledges the right of religious denominations to organise their own education, ensuring merely the training of their own personnel, thereby the access of minorities to a traditional form of education in denominational schools is limited.

The proposals concerning Chapter XIII. of the draft Law on Education, formulated at the meeting of the Council for National Minorities on July 14, 1993 and submitted to the Committee for Education and Science of the Chamber of Deputies were not taken into consideration due to the lack of political will on the part of the majority of committee members.

Since the beginning of 1990, education in Romania has been governed by certain governmental decisions. Each of them represents a step backwards as compared to the previous regulations, because it introduced new restrictions regarding education in the language of national minorities.

- Government Decision No. 521/1990 stipulates that teaching of all trade and vocational subjects shall be done only in Romanian language. Government decision No. 461/1991 orders that the geography and history of Romania shall be taught only in Romanian language. By these provisions, pupils belonging to national minorities are disadvantaged in comparison to ethnic Romanian pupils who study these subjects in their native language.

- Article 6.2 and Article 8 of Government Decision No. 283/1993 contain discriminatory provisions by mandating quotas to the disadvantage of national minorities. Whereas Article 6.2 stipulates that a minimum of ten pupils is necessary to form a minority-language class, no such restriction exists for Romanian-language classes. In fact, Article 8 states that: „In those towns and villages where only schools instructing in national minority languages exist, organisation of Romanian-language schools is mandatory even if the number of students is less than ten.“ These provisions contradict Article 16, paragraph 1 of the Constitution which states that „Citizens are equal before the law and public authorities, without any privilege or discrimination.“

Paragraph 32.4 of the C.S.C.E. Copenhagen Concluding Document (June 29,1990) states that “persons belonging to national minorities have the right to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious belief.“ Article 7 of the Constitution of Romania, as well as Section 10 of Government Decision No. 283/1993 makes provision „to strengthen contacts with Romanians beyond the borders“. In total contradiction with the above is Order No. 29633/04.05.1993 issued by the Minister of Education according to which „members of the teaching staff may travel abroad only upon prior permission of the minister“ thereby making these relations more difficult to maintain.

Order No. 10660/21.09.1993 of the Minister of Education concerning the assignment of school headmasters and deputy headmasters shows a certain tendency towards centralisation and makes possible the replacement of headmasters in an abusive way to the detriment of national minorities. There have been cases of unwanted dismissal of ethnic Hungarian headmasters in Oradea (headmasters Jankó Szép Sándor and Major József), Săcuieni Bihor (Wilhelm Sándor) and the village of Dorolț in Satu Mare county (Székely Endre). As a consequence of the abusive dismissal of headmaster Székely Endre, two headmasters in Satu Mare county resigned in protest.

After decades of restrictions and marginalisation, due to the current legal framework and especially the implementation of these laws, education in the language of national minorities has reached a critical stage:

Institutions of higher education instructing in Hungarian language were abolished (in 1952 courses and departments in the Technical Institute; in 1959 the Hungarian section of the Agricultural Institute; in 1985 the theoretical courses of the Institute of Fine Arts and Music in the town of Cluj).

↑ In 1959 in Cluj, the Hungarian Bolyai University was unified with the Romanian university V. Babeş. Its reestablishment has not been allowed, although in many European countries (Finland, Germany, Denmark, Italy, Spain, Belgium, Holland, England, etc.) minorities, smaller in number than the Hungarians in Romania, have their own native language universities. In Finland for instance, although only 6% of the population (total 297,591 persons) is Swedish, they have three universities with a large number of faculties and departments in the Swedish language, the number of students being 20,000. In addition, there is a technical university: the University of Technology in Helsinki. The Basques numbering about one million, have a university in their own language with faculties in Bilbao, San Sebastian and Vitoria. The Hungarian minority, numbering almost 2,000,000, has no separate university and the number of Hungarian students attending university is only 10,000. (See the open letters written by the Bolyai Society to the Minister of Education, President Ion Iliescu and the Parliament of Romania.)

Because of the gradual abolishment of higher education in the languages of minorities, the number of minority students has diminished considerably especially in faculties where history and geography of Romania are subjects required for the admission examination: law, economics, history, geography (see Appendix Nos. 4, 5 and 7). The number of the teaching staff decreased to 12,7% in 1989 (it was 14,5% in 1993 in comparison to 41,4% in 1959 (the year when the Bolyai University was abolished). For the training of teachers, Hungarian groups were established at the Babeş-Bolyai University, where subjects are only partially taught in Hungarian. (see Appendix No. 8)

Although the Constitution of Romania (Article 32. paragraph 3.) as well as international documents (Conclusions and Recommendations of the Commission of Inquiry of the International Labour Organisation concerning Discrimination in Work in Romania) grant the right of national minorities to be educated in their native language; school inspectorates (during the preparation of registration plans) abusively deprive Hungarian pupils of their right to continue their education and studies in their native language in vocational schools as well as in special secondary schools. This tendency accounts for the low percentage of pupils in Hungarian secondary schools (grades 9-12) in comparison to the percentage of the Hungarian population (see Appendix No. 9, table 5) and the continuous limitation of classes, trade and vocational training, especially in the case of preferred sections (see Appendix Nos. 6, 9 and table 2). In Satu Mare county for instance, despite the exchange of 48 letters written in three years between the Alliance of Hungarian Teachers in Romania and the School Inspectorate of Satu Mare county, Parliament of Romania, Chamber of Deputies and the Ministry of Education (registered under No. 36763/20.06.1991, 32831/24.06.1992, 10095/02.07.1992, 10128/27.07.1992, 25380/02.02.1993) as well as the written requests by pupils, the number of special classes in Hungarian diminished continuously;

School inspectorates – except those in Harghita, Covasna and Satu Mare counties – do not assure education in the language of minorities in special schools for handicapped children, although for psycho-pedagogical reasons these children definitely need to be taught in their native language. The only school which exists for Hungarian deaf and dumb children does not cover the needs of the Hungarian minority in Romania;

In regions where national minorities represent a small percent of the population, schools in their native language have been abolished and have not been restored neither by school inspectorates nor by the Ministry of Education despite the written request of the parents. In Satu Mare county, for instance, requests of groups of parents to organize native language

education from the villages of Doba, Hrip, Boghiş, Păuleşti, Amaţi, Chereuşa and Ciuperceni (Notice No. 15/23.10.1991 addressed to the Ministry of Education) were rejected;

According to Article 62 of Government Decision No. 283/1993: „Young people belonging to a national minority, who choose to study in Romanian language, instruction of their native language shall be assured at their request.“ An eloquent example of the violation of this right is the case of Ecaterina Peer from the village Racila, Bacău county (see letters to the Chamber of Deputies of the Parliament of Romania No. 341/24.03.1993 and No. 132N/30.03.1993);

On the whole, a significant decrease can be noticed during the years in the network of education in Hungarian language (see Appendix Nos. 1, 2, 3, 5) as compared to the proportions of the Hungarian population (see Appendix No. 9);

School inspectors are assigned by the Ministry of Education; headmasters are not elected by the teaching staff, but are assigned by the school inspectorates. Therefore national minorities are not represented proportionally in the decision-making educational bodies (see Appendix No. 10 concerning the statistic on the representation of the Hungarian minority in school inspectorates);

There are only a few textbooks which are suitable for education in the language of national minorities prepared by specialists belonging to these minorities;

The history, culture and traditions of national minorities are not school subjects.

We consider it our duty to emphasize the solution which would represent the way out of this critical situation, i.e., the self-administration of the educational system in the languages of minorities.

The self-administrations of different ethnic communities show that in different European countries (Finland, Italy/Southern Tirol, Denmark, Germany, Spain, Belgium) the application of self-administration is successful because the preservation and development of the identity of national minorities and protection from attempts of assimilation against their will is assured.

Therefore we request:

the establishment of a democratic, decentralised legal framework in accordance with the Romanian Constitution and international conventions, which guarantee the right of national minorities to native-language education at all levels and in all subjects, from the kindergarten to higher education, without any restrictions. No subjects shall be taught in Romanian (except Romanian language and literature) and the native language shall be the language used in training specialists and at different examinations (admission and competitive examinations, etc.);

the self-administration of education in the language of national minorities subsidized by the Romanian state (for those who opt for it);

the reinstatement of traditional denominational education and its subsidy by the state;

↑ the re-establishment of the Bolyai University;

the organization of higher education so that the training of the teaching staff is not restricted only to cultural, artistic activity, but is available for all areas of society. The lack of continuous education in the language of national minorities has serious effects on the preservation of their identity.

the organization of special education (special schools and secondary schools);

the instruction by means of adequate textbooks (considering alternative textbooks) which preserve the particularity of the native language;

the instruction of the Romanian language and literature by means of special textbooks – prepared for national minorities;

the assurance of institutional relations between national minorities and citizens of other states with whom they share common ethnic or national origin, common cultural background or religious belief;

the recognition of diplomas and degrees obtained abroad (provided for in the Report of the C.S.C.E. Meeting of Experts on National Minorities, Geneva, 1991, chapter IV-V);

the management of the educational institutions of minorities can be assured by the State Secretary's Office having its own budget and led by a state secretary selected by the legitimate professional organisations of the minorities and approved by the legitimate self-interest top organisation of the community in question until the adoption and implementation of a Law on National Minorities. The activity of minority-language territorial school units or sections should be assured by county school inspectorates, inspectors who belong to the community in question and are approved by the legitimate organisation of this community. Thus, education in the language of national minorities can preserve its particularity and could be integrated into the national educational network.

Enclosed are the documents that are the bases of the present memorandum. (Appendix Nos. 1-11), provisions and recommendations of the Constitution of Romania and international agreements also signed by Romania (Appendix No. 12).

With deep respect

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Cluj, January 1994

[Quelle: Democratic Alliance of Hungarians in Romania, Documents 2, Cluj 1994, S. 3-11.]