



OSCE Human Dimension Implementation Meeting 2019

Working Session 12

Written recommendations on linguistic rights for national minorities

Mikó Imre Association for the Protection of Minority Rights, Romania

Ensuring the linguistic rights of national minorities through the implementation of adequate language policies continues to be problematic in Romania. The legislative framework on linguistic rights for national minorities is by no means coherent, various provisions are spread across a range of laws, among these the much-disputed new administrative code.

After being adopted by Parliament last year, and containing several favourable provisions regarding linguistic rights for minorities, it was attacked by several parties and the President at the Constitutional Court, which deemed it unconstitutional on procedural grounds. It was adopted this year through a government ordinance, which however significantly curtailed several positive provisions that ensured linguistic rights for national minorities. For instance, alternative thresholds have been scraped, meaning that language policies cannot be enforced in administrative units where the percentage of a minority does not reach 20%, which is a huge disadvantage for minorities living in large cities, where they might constitute a community of several thousand inhabitants and yet do not meet the required threshold. Moreover, local council resolutions are published exclusively in Romanian, whereas before these were required to be released in the minority language as well. The names of streets, squares and parks are not required to be bilingual or multilingual, not even in the case of minorities that exceed the 20% threshold. The same applies for the communication of companies that provide public transportation, heat and water supply, for example.

While laws are generally permissive, concrete norms aimed at implementation, monitoring and follow-up are often lacking. The implementation of minority-friendly language policies (even where required by law) is sporadic and generally depends on the goodwill of local administrations. There is a general lack of accountability when it comes to enforcing legal provisions regarding minority rights, there being no clear pathway for a legal recourse in cases of noncompliance. (See our recommendations of last year in the Consolidated Summary of the 2018 Human Dimension Implementation Meeting: <https://www.osce.org/odihr/398840>)



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Recommendations to the OSCE participating States:

- When devising language policies for national minorities always take into consideration the specific needs and wishes of minorities. Harness local experiences and model policies to address specific local needs and problems.

Recommendations to the OSCE, in particular the High Commissioner on National Minorities:

- Encourage and fund research that looks at specific cases and situations of certain minorities, and most importantly analyse and address the popular myths surrounding language policies (ex. they are not cost-effective etc.), which often stand in the way of their implementation.

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Written recommendations on the minority education system

Mikó Imre Association for the Protection of Minority Rights, Romania

As expressed in a 2018 Declaration by the OSCE Ministerial Council, it is important to recognize the role that youth can play in “contributing to a culture of peace, dialogue, justice and peaceful coexistence, trust and reconciliation”.

When it comes to minority youth, in order for them to be able to become agents of peace, it is essential to empower them, to give them the necessary tools to be able to forge their own future and the future of their communities. Empowering minority youth as agents of peace and security has to start with education. A minority education system based on equality and non-discrimination. Equality in opportunities, equality in resources, in order to ensure an education system that does not discriminate when it comes to the quality of education.

Regarding access to quality education in the mother tongue, an ongoing problem in Romania in the past few years has been the lack of textbooks available in minority languages in primary and secondary education. At the start of each school year, pupils studying in a minority language suffer the consequences of a discriminatory and ill-working educational system. An entire generation, starting with the current seventh graders are being taught based on a new national methodology, however, many of the textbooks printed according to this new methodology have in the past years arrived late, well after the start of the school year. It is worth noting that this is a problem which disproportionately affects children studying in a minority language, since after the lengthy process of approval, most of their books also have to be translated from Romanian to a minority language. It is an untenable situation that in the current school year numerous textbooks for Hungarian pupils for example are still waiting to be approved in the procurement process, while others are in the process of being translated.

Recommendations for OSCE Participating States:

- It is important that when designing any educational reforms, particular attention is paid to the process of implementation, the resources needed, as well as anticipating possible shortcomings and solutions. This is especially relevant in the case of the minority language education system, which is more vulnerable when it comes to the implementation of new laws and methodologies, and is susceptible to being disproportionately affected by any difficulties, complications and shortcomings that have not been anticipated and properly addressed.
- Applying a contextual approach when it comes to minority language education is crucial. In order to ensure this, local and regional governments, as well as schools teaching in a minority language should be given more autonomy in dealing with local needs and deficiencies.
- When devising and implementing new educational strategies, the relevant government agencies should not only consult, but also closely work together with minority communities, experts in minority language education and with specialised institutions throughout the entire process, in order to ensure that the new measures adopted are not discriminatory towards minority students, and that they are truly relevant and effective, answering actual problems and needs, as formulated by the minority communities themselves.

Recommendations to the OSCE, in particular the High Commissioner on National Minorities:

- In countries like Romania, where there is a minority language education system, relevant topics monitored by the OSCE should include: textbooks, the training of teachers, school equipments and school performances of minority students