



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Romania
<b>Title:</b>	Proposal of a Bill imposing Romanian as the only official language of the Romanian state
<b>Date:</b>	18 March 2016
<b>Expert:</b>	Iordache, Romanița
<b>Context</b>	
<b>Issue at stake:</b>	Use of Romanian language only in public services
<b>Ground of discrimination:</b>	Race/ethnic origin
<b>Source:</b>	Draft legislation
<b>Field:</b>	Employment, social protection, social advantages, access to goods and services, education, housing, other
<b>Applicable law:</b>	Draft law – PI-x 776/2015 seeking to amend Law 215/2001 on local public administration

### Content

#### **Law development:**

On 2 September 2015, the deputy Mihai-Bogdan Diaconu filed within the Senate a legislative draft “on respecting the use of Romanian language as official language of the Romanian state.” The bill was tacitly adopted by the Chamber of Deputies (lower chamber) on 17 February 2016 and it is currently before the Senate which is the decision-making chamber.<sup>1</sup> The draft aims to “prohibit the use in any form of any other language except Romanian in official capacities... in public institutions of any type, by central and local public authorities, public institutions in their subordination as well as in decentralized public services and by the employees of any type of the Romanian state.”<sup>2</sup>

The draft proposes that all official meetings will be held in Romanian; all the names of public institutions, cities, streets and public places will be in Romanian only and that these names in other languages will be deleted; that advertisement and announcements of public interest will be done in Romanian only; that official communication, websites of public institutions of any types will be only in Romanian.

The draft prohibits establishing as a genuine occupational requirement the knowledge of a minority language for positions of civil servant paid by the Romanian state. In a radical attempt to enforce the provisions of the law, the draft proposes that “employees, elected persons, high ranking officials or civil servants of the Romanian state infringing the present law will lose their mandate and/or position and/or job in the institutions of the Romanian state without the possibility of being hired or elected again in an institution of the Romanian state.”

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<sup>1</sup> Article 75(2) of the Romanian Constitution provides for tacit adoption of a bill if the notified Chamber of the Parliament did not issue a pronouncement in 45 days after the notification.

<sup>2</sup> Article 1 of the Draft law – PI-x 776/2015.

The animus of the bill is a clearly anti-Hungarian one, the explanatory memorandum alleging that "Romanian had been chased out by the Hungarian community", the bill aiming to reintroduce Romanian in local administration "in the places where it gradually disappeared, in areas controlled by Hungarian politicians which to not hide their autonomist and separatist intentions." The Hungarian minority (Szeklers and Magyars) is one of the principal minorities in Romania, representing up to 8.6% of the total population of Romania.<sup>3</sup> Hungarian ethnics live especially in Transylvania, with areas in which they make more than 20% of the population, a percentage which entitles them to access to public services in Hungarian according to the Romanian legislation. In Harghita, Covasna and Mureş counties the Hungarian population represents the majority.

**Key points of analysis:** The proposed bill basically seeks to repeal the provisions of Articles 19 and 76 of Law 215/2001 on local public administration establishing the framework for the rights of national minorities to use their mother tongue in relation with local public authorities. The draft law infringes the commitments undertook by Romanian in 1995 when ratifying the Framework Convention for the Protection of National Minorities and in 2007 when ratifying the European Charter of Regional and Minority Languages. The bill also violates Article 120(2) of the Romanian Constitution allowing the use of national minority languages in local administration<sup>4</sup> and Article 128 (2) on the right to use the mother tongue before the courts.<sup>5</sup>

**Internet link source:**

Draft and legislative history are available in Romanian at: [http://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?idp=15096](http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=15096). Last accessed 15/03/2016.

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<sup>3</sup> According to the 2011 census, 10.5% of the Romanian population consists of national minorities including Hungarians, Roma, Germans, Poles, Serbes, Croats, Czechs, Slovaks, Bulgarians, Ukrainians, Greeks, Italians, Jews, Turks and Tatars, Armenians, Russians/Lipovans and others.

<sup>4</sup> Art. 120(2) ) In the territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority's language in the relations with the local public administration authorities and the decentralized public services, under the terms stipulated by the organic law.

<sup>5</sup> Art.128 (2) Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law, under the terms of the organic law. (3) The ways for exercising the right stipulated under paragraph (2), including the use of interpreters or translations, shall be stipulated so as not to hinder the proper administration of justice and not to involve additional expenses to those interested.