

MINORITY INTEGRATION POLICIES AT THE NATIONAL AND EUROPEAN LEVEL

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Abstract. *The purpose of public policies in the field of national minorities can be dual, namely, to protect the specific (cultural, linguistic, ethnic) identity of people belonging to national minorities, and to ensure harmonious coexistence between majority and minorities, as well as between minorities themselves. Thus, this paper aims to analyse the policies and measures defined at national level in the field of minority integration, as well as European models or regulations with rank of recommendations for Member States. To this end, have been resorted to qualitative methodology instruments as data analysis and case study. According to the OSCE, "to support the integration process, [are needed], policies, to create a society in which diversity is respected and in which all people, including all members of ethnic, linguistic, cultural or religious groups, contribute to building and maintaining a civic, common and inclusive identity". Therefore, the research questions on which the paper focuses, refer firstly to the extent to which Romania has managed to apply minority integration policies, and secondly, what are the European models that Member States could follow in order to ensure an efficient and substantial regulation and application of the rights of persons belonging to national minorities.*

Keywords: *national minorities, public policies, integrative tools, European models.*

Introduction

National minorities represent the primary factor of cultural diversity, precisely through the specific identity features, different from those of the majority. Thus, the philosophy of Member States' policies on the protection and integration of national minorities must relate to the desire to cultivate this distinct identity, to help to promote the cultural diversity of society, which in turn ensures a healthy climate for good coexistence between the "majority" and "minority" (Aurescu, 2015).

Although there has been an academic debate on minority rights since the late 1960s, and many political initiatives to transpose those debates into a normative framework for the protection of minorities, there is yet no academic or political consensus on the concept of minority. Neither article 27 of the International Covenant on Civil and Political Rights nor the Framework Convention for the Protection of National Minorities offer a definition. In the absence of such an authoritative definition, states claim the ultimate word on whether there are minorities in their territories and tend to adopt very narrow definitions of "minority", thereby severely hindering the already bleak protection provided by international legal instruments to minority groups and their members (Jerónimo, 2012: 7).

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In the meantime, there has been much talk about the role that the European Union can play in the definition and implementation of a European standard of minority protection, given the outstanding minority issues brought to the Union's political landscape by the 2004 eastern enlargement and the growing commitment of the European Union to the protection of human rights, attested by the adoption of the Charter of Fundamental Rights of the European Union (Jeronimo, 2012: 9).

Policymakers throughout Europe feel increasing pressure to adopt more effective approaches to secure inclusion but are uncertain how to bring people together to achieve this (Rudiger, Spencer, 2003:3). It is in this context that the European Commission has called on political leadership to overcome social divisions and to generate acceptance for diversity. It has emphasised that social cohesion requires the implementation of integration policies that promote equality and diversity, based on a recognition of the pluralist nature of European society (Rudiger, Spencer, 2003: 3-4).

As we said, the term minority, although it does not have a universally accepted legal definition, exists a number of common elements. Our analysis will focus on the definition provided by professor Francesco Capotorti in his report to the United Nations, a definition that is accepted by most European countries, as well as a number of international instruments. In his view, "the minority is a group of people, numerically inferior to the rest of the population of a state, in a non-dominant position, whose members - citizens of the state - have different ethnic, religious or linguistic characteristics and who show, even implicitly, a certain sense of solidarity, directed towards preserving the culture, traditions, religion and/or language of the group" (Capotorti, 1979: 5-11).

This study examines the way in which Romania implements public policy measures to protect and promote the identity and rights of minorities, including ethnic, cultural, religious and linguistic rights. The European Union also calls to the Member States to develop strategies to improve the participation and representation of minorities in the political, cultural, social and economic life of the societies in which they live, and from this point of view, it would be interesting to see how Romania approaches policies in this regard (educational policy, representation of minorities at the local level and in Parliament, public policies for Roma community). In addition, this research will focus on the models or regulations adopted at European level on the integration of national minorities. As we well know, the conceptual framework of integration debates and policies differs across Europe, making the comparison of policy approaches and an exchange of good practice difficult. Comparability is impeded by Member States promotion of a national ideological consensus on integration by the use of different monitoring systems and categories, and by different historical backgrounds as well as economic, social and political structures. This confirms the extent to which the issue of integration of migrants is linked to the wider issue of national cohesion, social order and stability (Rudiger, Spencer, 2003: 7-8). The comparability of integration policies is limited for the same reason as their practical success: integration remains linked to nation-building, perceived as a one-way process (Rudiger, Spencer, 2003: 7-8)¹.

Starting from these, we will try to respond at some research questions. Firstly, to what extent does Romania succeed to apply minority integration policies? Secondly, what are the European models that Member States could follow in order to ensure an efficient

¹ Cf. Adrian Favell, (2001) *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*, New York.

and substantial regulation and application of the rights of persons belonging to national minorities?

In the paper we opted for qualitative analysis, in order to bring to light those novelty elements analyzed by the proposed topic. The research started from the observation and analysis of the phenomena, so that later the results can be interpreted. It is an empirical approach based on the investigation of sources, such as the key documents adopted so far at national and European level, as well as the constraints operating on the implementation of policies for the integration of national minorities. It, also, were reviewed studies, reports of European and international institutions, as well as specialized volumes. In order to arrive at relevant data regarding the object of the research, one of the techniques that will be used will be the content analysis. This is a qualitative analysis, whose fundamental objective is to transform the descriptive-discursive information of the documents into countable or, possibly, measurable entities, according to certain properties (Agabrian, 2006:41). Basically, in order to identify the main dimensions and characteristics of our study, through analysis, we will try to solve the problem of time retrieval. This scientific approach will be organized in the form of a case study. The case study raises the issue of generalization, notes and common mechanisms (Iliuț, 1997:108). In interpreting the case, we will try to focus on European models or regulations with the rank of recommendations for national states on the integration of national minorities (Ljubljana guidelines on the integration of diverse societies).

Despite the relatively small number of countries with large minorities, interethnic conflicts in the early 1990s have contributed to increasing attention to how state policies respond to minority requirements. In most states have been signed and ratified relevant international and European agreements and conventions, these leading to the development of national policies on minority rights.

The policies adopted at national level, as well as the relevant international and European agreements and conventions in this regard, will be presented in the following sections.

I. Minority integration policies at national level

Over time, the Romanian state authorities have undertaken an impressive number of measures aimed at integrating national minorities. More than 200 normative acts have been adopted, which have included stipulation on various aspects of majority-minority relations, it have been established state institutions with competences in areas of interest to minority communities, and significant funds have also been allocated for supporting organizations that have taken on the role of representing the interests of minority communities. This complexity of the approaches regarding the regime of national minorities places Romania in a top position at international level. Romanian diplomacy has contributed substantially to the negotiation of the Framework Convention, given Romania's direct interest in the matter (Aurescu, 2015). And its policies for the protection of national minorities on its territory (given the twenty minority groups), defined since the 1990s, have been adapted to the philosophy of the Convention. In fact, Romania is also the first state to ratify the Framework Convention, on April 29, 1995, being, at the same time, among the states that signed the Convention on February 1, 1995, when it was opened for signature. It is true, however, that the measures taken and followed by the state authorities have not always led to the expected results, leaving many controversial aspects of majority-minority relations still to be resolved through appropriate state policies.

In the conference "Ethnic minorities in Europe - Challenges and Perspectives", the Minister of Foreign Affairs, Bogdan Aurescu, talks about Romania's approaches to minorities, claiming that "being a part to this international instrument, Romania, through the policies promoted in the matter, has shown that it is faithful to the desideratum of ensuring the highest possible level of protection for the members of the 20 national minorities on its territory. Romania will remain consistent with this goal, in particular, and with respect for fundamental rights in general" (Aurescu, 2015).

These two objectives - highlighting the achievements so far and pointing out possible directions for progress - were the basis for motivating the research.

From an academic point of view, the issue of national minorities in Romania has been the target of concerns especially for historians (Salat, 2008: 10), sociologists (Bădescu, Kivu, Robotin, 2005), specialists in international law (Năstase et. all., 2002) or normative approaches (Andreescu, 2004). The articulated points of view were situated in the contexts of the evaluation of the interethnic relations in Romania, of the conditionalities related to the objective of joining the Euro-Atlantic structures, or of the political disputes regarding the relations between the majority and the minorities.

Approaches that use the language of public policy allow avoiding a trap that frequently sets in the way of negotiations between majorities and minorities on institutional arrangements for accommodating diversity: disputes over the law - with reference to the provisions of international law or "national minority law" - tend to get in the way of zero amount, in which any "gain" recorded by one party seems to be conditioned by a "loss" on the other side (Salat, 2008: 11). In contrast, the problems defined as challenges for the set of public policies of a society allow the perception of these problems through a positive game, by placing the issues in the context of the public good, by raising awareness of responsibilities, and by mobilizing all stakeholders. Making decisions in the public interest, or in other words, in the „good governance” of the community, in the sense in which John Stuart Mill used this term (Mill, 1998: 217-237).

A large collection of laws and legislative documents regulate national minority rights in Romania and a proper environment for the conservation of the minorities' linguistic and cultural identity, in different fields of activity. This collection includes documents that prescribe minority rights in domains such as education, local public administration, political rights, anti-discrimination, as well as in fields such as the police officer's status, children rights etc. (Ethnocultural Diversity Resource Center).

According to the authorities, Romania understood that cultural diversity, more precisely, multiculturalism and interculturality, as goals in themselves in the field of minority policies, represent essential values of democracy, of societies based on respect and peaceful coexistence. Specifically, Romania protects the right of every individual, who freely declares his membership of a national minority, to use his mother tongue in relation to administrative and judicial authorities, to learn and to receive education in his mother tongue or to participate in public life and in the decision-making process in matters of relevance to society as a whole, not just to the minority concerned (Ministry of Foreign Affairs, 2015). Romania has learned from its own experience the challenges to which national minority policies must respond, and has undoubtedly understood that societies with a strong democracy are those based on tolerance, mutual respect, cultural diversity, interethnic and intercultural dialogue, for the benefit of society as a whole.

Many of the reports agree that Romania has made changes in the implementation of minority policies, but there are also reports that criticize national approaches.

For example, in the Report of the Committee on Culture, Science, Education and Media on "Identities and Diversity in Intercultural Societies", Romania is highlighted among the states that promote innovative policies, action plans for cultural diversity and dialogue in various fields such as art, media, internet and social networks, having a general or interdisciplinary nature (Committee on Culture, Science, Education and Media, 2014: 1-18). Also, according to the 2012 evaluation of the Framework Convention Advisory Committee, "since the ratification of the Framework Convention, the Romanian authorities have continued their efforts to protect national minorities and have maintained an inclusive approach to communication with national minority representatives" (Council of Europe, 2012:5). At the same time, the Committee believes that many efforts have been made to promote intercultural dialogue between the majority and national minorities and between the various national minorities (Council of Europe, 2012: 1-38).

As we mentioned, there are also reports that criticize the way Romania implements legislative instruments on the protection or integration of minorities. In this regard, on 16 February 2018, the Council of Europe published the 4th Opinion of the Advisory Committee on the Application of the Framework Convention for the Protection of National Minorities. The latest report submitted by Romania, which was evaluated by the Advisory Committee, shows a worsening of the situation of compliance with the Framework Convention for the Protection of National Minorities. As stated in this fourth Opinion, the Council of Europe not only took note of the conclusions of the country report, but, as it had done on other occasions, undertook field visits. Visits on the spot took place in Bucharest, Cluj, Suceava and Constanța, and alternative data were collected from reports and conclusions issued by independent entities (non-governmental organizations, political entities of national minorities, etc.). One of the first issues set out in the Opinion was that the submission of the national report was delayed by two years. The Committee also notes that its third Opinion was not translated into Romanian and into the mother tongues of persons belonging to national minorities, and the information contained therein was not disseminated to the general public. The Committee notes that the Law on the Statute of National Minorities, which has been debated in Parliament since 2005, has not yet been adopted. Although the Committee does not consider the adoption of such a law as a condition for compliance with the Convention, it nevertheless expresses its concern about the "lack of a coherent and consolidated legislative framework for the protection of the rights of minorities in Romania" (Council of Europe, 2016: 1). Representatives of the Committee found that "legislation regulating different aspects of national minority protection is disjointed, piecemeal, full of grey zones and open to contradictory interpretation, which on occasion needs to be resolved by the judiciary" (Council of Europe, 2016: 11).

The rights of minorities - and, especially, multiculturalism - are a reality in Romania - which implies the recognition of pluralism and cultural variety, of the cultural identity of any minority. Moreover, in our country, special emphasis is placed on the mutual recognition of values, on cultivating a spirit of dialogue, on communication and collaboration between various existing cultures. Over time, our country has evolved, now, being unanimously recognized, at the international level, the concerns of the Romanian authorities for the protection of national minorities.

1.1. Educational policy

Intercultural education is a formative approach that meets human desires, by enhancing particular, unique features in a diverse society, ensuring a social framework

that gives coherence, solidarity and functionality (Ionescu, Vasiloni, 2018: 83). Experiencing and accepting diversity is the main goal of intercultural education. The issue of intercultural education is an important component of the current educational system, and lately it has gained a special importance in society. Intercultural education was also included on the Council of Europe's agenda for education, in order to remove the difficulties related to the integration of children belonging to ethnic communities, through pragmatic approaches of inclusion "by developing knowledge of others, their history, traditions and spirituality" (Ionescu, Vasiloni, 2018: 83). Intercultural communities represent real challenges in the issue of education, especially when it comes to finding the most appropriate strategies for school attendance, prevention of school dropout, completion of vocational training. These people were included in the category of ethnic groups at high risk of vulnerability, requiring the implementation of inclusive education policies. The educational process aims to train students in authentic and sustainable skills, habits and attitudes based on the principles of "integrated education" and "school for all" (Ionescu, Vasiloni, 2018: 84).

The Constitution and the Law of Education provide the right mother tongue instruction in the public education system at all levels, and the right to establish its own institutions private education. The orders of the Minister of Education no. 1528/2007 on "Promoting diversity in education" and no. 3774/2008 on "Intercultural education in schools" have been implemented and their provisions were broadly disseminated among teachers.

Specific provisions which ensure a better implementation of the principles stated in the above mentioned documents were included in chapter on Education of the Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority 2015 – 2020, such as: Art. (3) – Organizing courses on initial and continuous training of teachers in the field of intercultural education, promoting diversity, nondiscrimination and equal opportunities; Art. (3) – Design and implement training programs for civil servants and for the personnel within the public education, health, social assistance and protection services on issues related to preventing and combating discrimination, promoting diversity (Council of Europe, 2016: 42-43).

Various courses on promoting diversity and intercultural education have been included in the curricula at national level. A program, which was initiated in 1999, involves the winners of high schools minority languages school contests. During summer break, students participate in visits throughout Europe to explore the historic and cultural European diversity. In 2014, the program included a trip to Germany with the aim to get acquainted with the *EU Strategy for the Danube Region*, as Romania is one of the participating countries. Starting with 2014, the Department for Interethnic Relations and the nongovernmental organization from Târgu Mureș have been organizing *The Intercultural Schools*, which is a training program for high school students. In 2015, the program continued with two sessions for students held in various multiethnic areas and one training session for teachers (Council of Europe, 2019: 43).

The Department for Interethnic Relations, in partnership with the Federation of Jewish Communities in Romania - The Mosaic Cult organized in October 2018 the third Painting Camp "Colors of Our Union - Young Artists, Witnesses of the Future", in Iași. The project brings together 32 young artists, students from art colleges from Bacău, Buzău and Iași, guided by the plastic art professors, who have performed works on Centenary - history, values, people, patrimony, future. The works will be exhibited in Romania, Vatican, Israel, Austria and Norway. In addition to the creation workshops - painting and graphics - the organizers proposed to the young participants for discussion some important topics such as:

competence and competition; art - as a form of education; "My future begins today" - roles and places; Me is Europe" (Council of Europe, 2019: 45).

In order to provide education in the mother tongue, initial teacher education is provided in a number of pedagogical high schools and many universities, as well as abroad, based on inter-ministerial education cooperation programs between Romania and countries where the mother tongue of respective minorities is the official language. Continuous training and specialization of mother tongue teachers is ensured by school inspectorates, universities, as well as in initiatives organized or supported by associations /centers of persons belonging to national minorities. Also within the mechanisms of bilateral cooperation in the field of education with these countries are offered similar opportunities for training teachers working in schools in Romania that provides education to persons belonging to the following national minorities: Bulgarian, German, Serbian and Turkish. Language faculties from various Romanian universities are running programs with foreign language and literature lecturers from different countries, including those who have kin minorities in Romania (Council of Europe, 2019: 46).

1.2. Representation of minorities in public administration

Romania has become a country with a complex and stable system of participation of persons belonging to national minorities in public affairs. This wouldn't have been possible in the general process of democratization and modernization of the country, without the constant, effective and responsible participation of representatives of national minorities in public life, on the basis of various instruments available to them: Parliament, consultation and participation mechanism at Government level or local representation (Council of Europe, 2019: 47).

1.2.1. Parliamentary representation

According to article 62 par. (2) of the Constitution of Romania, "the organizations of citizens belonging to a national minority who have not been able to obtain the number of votes required to be represented in Parliament have the right to a deputy seat according to the Electoral Law"(Constitution of Romania, Art. 62, Par. 2).

As a result at the last parliamentary elections (December 2020), the national minorities in Romania are represented in the Senate and in the Chamber of Deputies as follows: the Democratic Alliance of Hungarians in Romania, has a parliamentary group in the Senate of 9 persons and a group in the Chamber of Deputies of 21 persons; The Parliamentary Group of National Minorities of the Chamber of Deputies, consisting of 18 deputies representing the organizations of citizens belonging to national minorities.

The significant number of votes obtained by the citizens belonging to national minorities at the last general election can reflect their good image among the communities they belong to and at the level of the electorate in Romania as a whole. Furthermore, the parliamentarians representing national minorities participate in the activities of committees and parliamentary structures (depending on their skills) such as public administration, finance, human rights, education, agriculture and others.

1.2.2. Participation of national minorities in decision-making processes at executive level

Of late years, the Governance Programs have included a significant policy for persons belonging to national minorities and interethnic relations. DAHR was a political formation which was part of the ruling coalition and participated directly in all the social

and economic processes that took place in Romania at executive level. Thus, DAHR had Deputy Prime Ministers, ministers and state secretaries at executive level. Currently, DAHR is part of the governing formula and consists of the government, a deputy prime minister and three ministers, the Ministry of Development, Public Works and Administration, the Ministry of Environment, Waters and Forests, and the Ministry of Youth and Sports.

Collaboration and ongoing consultation between the Government, through its specialized institution, the Department for Interethnic Relations, and the Council of National Minorities is carried out through its specialized committees: the Education and Youth Committee, the Committee on Culture, Cults and the Media, for Financial Affairs, the Commission for Legislation and Administration, the Committee on Socio-Economic Issues, the Commission for Relations with Civil Society and International Bodies. After consultations, the most important initiatives are subject to government approval (Council of Europe, 2019: 50).

In recent years, the organizations of the Council of National Minorities have consolidated their position in the public life of Romania and created a strong material base, likely to allow them a more active involvement in the development of social, cultural, political and economic processes in Romania.

1.2.3. Participation of national minorities at local election

Romania has created, within the constitutional system, the necessary conditions and legal framework for the effective participation of people belonging to national minorities in the decision-making processes, especially those that concern them directly, as well as in the bodies elected at local level. Thus, the participation of national minorities in elections contributes to the strengthening of the rule of law and democracy in general.

The right of national minorities to participate in elections for local public administration authorities is regulated by art. 8 of Law no. 115/2015 for the election of local public administration authorities, for the amendment of the Law on local public administration no. 215/2001, as well as for the amendment and completion of Law no. 393/2004 on the Statute of local elected officials, with subsequent amendments and completions (The Department for Interethnic Relations, 2020: 1).

Following the election for the local public administration authorities, organized on September 27, 2020, the interests of citizens belonging to national minorities are represented by 4 presidents of county councils, by 104 county councilors, by 217 mayors and by 2966 local councilors. Out of the total number of mandates mentioned above, the citizens' organizations belonging to the national minorities members of the Council of National Minorities were assigned 4 mandates of president of the county council, 97 mandates of county councilor, 207 mandates of mayor and 2648 mandates of councilor local (Permanent Election Authority, 2020).

1.3. Public policies for Roma community

The new vision and approach of the strategy to sustain Romanian citizens of Roma minority social inclusion is based on several prerequisites: intervention is needed not only to ensure social justice and protection but also to value, support, and develop the

Roma human resource; the intervention measures will be corroborated and integrated to ensure their effectiveness, and tailored to the social and cultural particularities of various Roma sub-groups (Council of Europe, 2016: 8).

The main goal of the strategy is to bring Roma minority to a socio-economic level of inclusion similar to that of the rest of the population and to provide equal opportunities by initiating and implementing public policies and programs in various fields (Council of Europe, 2016: 8).

In the field of education, the main sectorial objectives intend to decrease the gaps in terms of educational stock, school attainment rate, socio-economic condition between Roma and the other children, promoting inclusive education and reducing discrimination cases in schools. The main actions to reach such objectives are: designing of specific national programs meant to increase the access to early education of vulnerable children, including Roma, through the provision of parental counselling, food for vulnerable children and expanding the existing children care facilities (kindergartens, crèches, day-care centres, etc.); development of After school programs in Roma communities; continuation of "Second chance" programs for Roma early school leavers, as well as of affirmative action interventions; training for Roma school mediators and teachers teaching in Roma communities; completing the legal framework on combating school segregation, raising-awareness campaigns (Council of Europe, 2016: 9).

In the employment sector, the main objective aims at improving labour market participation of Romanian citizens belonging to the Roma minority through actions such as: information campaigns on the labour market to ensure the link between employers and unemployed Roma (through provision of free information, counselling and mediation services to job seekers on the job vacancies, etc.); fostering job mobility and entrepreneurship among Roma (through signing bonuses, free consultancy services for start-ups); skills development and certification (through training courses and free evaluation and certification services); incentives for employers hiring job seekers from vulnerable groups, etc. In order to develop their skills and access to the labour market, young Roma (aged 16-24) may benefit from measures supported by the *Youth Guarantee* (Council of Europe, 2016: 9).

In the fields of education and employment, the European Social Fund complements the national policies through additional funds for programs and projects.

Health represents another pillar of the Roma social inclusion. The current Strategy search to improve of the access to basic, preventive and therapeutic medical services; to prevent sickness situations contributing to the morbidity and mortality levels affecting the Roma population and the diminution of risks thereof; to improve the local authorities capabilities in order to identify the needs and to address them; to prevent the discrimination of Roma in the health system. Among other measures, it is envisaged to: increase the Roma presence rate in the national social insurance system; develop the basic health services network; support the employment of Roma health women and children; supplement the vaccination of vulnerable children; implement prevention programs against infectious diseases; create a hotline against the discrimination of Roma patients (Council of Europe, 2016: 9).

In the area of housing, the main objective is to ensure decent living conditions and access to public services and infrastructure. Some of the measures envisioned are as follows: building social houses with indiscriminate access by low-income Roma; rehabilitating houses in areas with vulnerable Roma; developing public utilities infrastructure in such areas; supporting the issuing of real estate documents (Council of Europe, 2016: 9).

In the field of culture, the specific objective is preserving, developing and asserting the cultural identity: language, traditions, patrimony of the Roma community

(Strategy of the Romanian Government for Inclusion of the Romanian citizens belonging to Roma Minority for the period 2014-2020, 2014: 22).

Regarding social infrastructure, the main objective is the development, by the institution, of measures which, through the service they provide, respond to the social needs of disadvantaged categories in the matters of development, child protection public order or justice (Strategy of the Romanian Government for Inclusion of the Romanian citizens belonging to Roma Minority for the period 2014-2020, 2014: 22).

2. European reglementations for integration of people belonging to minorities

Democracy is based on the will of the majority, but at the same time protects the rights and freedoms of minorities of all kinds: ethnic, religious, political, linguistic or social. In a democratic state the rule of the majority is limited to respect the rights of minorities. The protection of national minorities, the rights and freedoms of persons belonging to national minorities are an integral part of the international protection of human rights and, as such, is an area of international cooperation.

In this direction, at european level were adopted a series of reglementation and models regarding people belonging to national minorities, reglementation and models which will be presented in the following section.

2.1. Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities, drawn up within the Council of Europe by Ad Hoc Committee for the Protection of National Minorities (CAHMIN) under the authority of the Committee of Ministers, was adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and opened for signature by the member States of the Council of Europe on 1 February 1995. Non-member States may also be invited by the Committee of Ministers to become Party to this instrument (Framework Convention for the Protection of National Minorities and Explanatory Report, 1995: 1).

The Framework Convention is one of the most comprehensive treaties on the protection of the rights of persons belonging to national minorities. The members of this Convention undertake to promote the full and effective equality of persons belonging to national minorities in all areas of economic, social, political and cultural life, as well as the conditions to enable such people to express, preserve and develop their own identity and cultures (Framework Convention for the Protection of National Minorities and Explanatory Report, Art. 4. 1995: 3).

The Framework Convention covers a wide range of dispositions, including: non-discrimination; promoting effective equality; promoting the conditions that facilitate the preservation and development of cultural heritage, religion, language and traditions; freedom of assembly, association, expression, thinking, conscience and religion; access to the media and their use; linguistic freedoms (Framework Convention for the Protection of National Minorities and Explanatory Report, Art. 7-8, 1995:4).

According to its provisions, Member States must submit, within one year of the date of ratification, and every five years, reports on the measures taken to implement the provisions of the Convention. States may also be required to provide ad hoc reports. In order to implement the principles set out in this Framework Convention, the Committee of Ministers will be assisted by an Advisory Committee, whose members will have recognized experience in the field of protection of national minorities (Framework Convention for the Protection of National Minorities and Explanatory Report, 1995: 25).

Various activities for the protection of national minorities have taken place within the Council of Europe as part of its cooperation and assistance program, including: organizing meetings to provide detailed information on the Framework Convention for the Protection of National Minorities and other European legal instruments; encouraging states not party to the Framework Convention to sign and ratify it. States Parties shall take part in such meetings for the purpose of discussing domestic events and the implementation of the Convention in detail (Otovescu, 2006: 183). Delegations are made up of parliamentarians, government officials and representatives of national minorities.

2.2. Document of the Copenhagen Meeting (1990)

This document was developed at the OSCE `Conference on the Human Dimension` and contains the following provisions for persons belonging to national minorities: persons belonging to national minorities can effectively exercise their human rights and fundamental freedoms without any discrimination and in full equality before the law; these persons have the right to freely express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its forms; States Parties shall ensure that persons belonging to national minorities have the opportunity to learn their mother tongue and, if possible and necessary, use it in their relations with public authorities, in accordance with the legislation in force; States Parties condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia, as well as any discrimination against anyone, but also any persecution on religious and ideological grounds (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990: 1-26).

2.3. European Charter for Regional or Minority Languages

It was adopted by the Council of Europe in Strasbourg in 1992 and entered into force on 1 March 1998. This treaty aims to protect and promote the historical regional or minority languages of Europe. It was adopted, on the one hand, in order to maintain and to develop the Europe's cultural traditions and heritage, and on the other, to respect an inalienable and commonly recognised right to use a regional or minority language in private and public life. First, it enunciates objectives and principles that Parties undertake to apply to all the regional or minority languages spoken within their territory: respect for the geographical area of each language; the need for promotion; the facilitation and/or encouragement of the use of regional or minority languages in speech and writing, in public and private life (European Charter for Regional or Minority Languages, ETS, No. 148). Further, the Charter sets out a number of specific measures to promote the use of regional or minority languages in public life. These measures cover the following fields: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social activities and transfrontier exchanges. Each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among these measures, including a number of compulsory measures chosen from a "hard core". Moreover, each Party has to specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used in the whole or part of its territory, to which the paragraphs chosen shall apply. Enforcement of the Charter is under control of a committee of experts which periodically examines reports presented by the members (European Charter for Regional or Minority Languages, 1998).

2.4. Report on minimum standards for minorities in the EU (European Parliament)

European Parliament notes that the EU still lacks effective tools to monitor and enforce the respect of minority rights and it regrets that in the field of minority protection the EU has either taken for granted the assumption that its Member States comply with minority rights or has relied on external monitoring instruments, such as those of the UN, the Council of Europe or the OSCE (Report on minimum standards for minorities in the EU, 2018). It stresses that non-discrimination policies alone do not solve the issues minorities are faced with and do not prevent their assimilation; notes that persons belonging to minorities are in a special category with regard to the right to remedy and have specific needs that must be met if they are to be ensured full and effective equality, and that it is necessary to respect and promote their rights, including the right to freely express, preserve and develop their cultural or linguistic identity, in keeping with the identity, values and principles of the country in which they live, so that, Parliament encourages the Commission to promote regular monitoring of linguistic and cultural diversity in the EU (Report on minimum standards for minorities in the EU, 2018).

Also, it considers that there is a need for a legislative proposal on minimum standards of protection of minorities in the EU, following a proper impact assessment and in line with the principles of subsidiarity and proportionality applying to the Member States, with the aim of improving the situation of minorities and protecting already existing rights in all Member States while avoiding double standards. And it considers, while respecting the principles of subsidiarity and proportionality, that such standards should start out from those already codified in international law instruments and should be firmly embedded in a legal framework guaranteeing democracy, the rule of law and fundamental rights across the EU and accompanied by a functioning monitoring mechanism. Furthermore European Parliament calls on the Commission and the Member States to ensure that their legal systems guarantee that persons belonging to a minority are not discriminated against, and to take and implement targeted protection measures (Report on minimum standards for minorities in the EU, 2018).

3. Ljubljana guidelines on the integration of diverse societies- a practical model on how to realize policies for integration of diverse societies

By decision of Helsinki of July 1992, the Organization for Security and Cooperation in Europe established the position of High Commissioner for National Minorities (HCNM), considered as a tool to prevent misunderstandings involving national minorities. In the last 20 years, the three High Commissioners who have successively held this position, have faced a number of recurring problems regarding the minorities, as a result they have published several series of recommendations and thematic guidelines, which provide advice to developing countries which faces the same problems.

If societies do not have good integration policies, there is a danger that the different communities within them will become more and more separate, with little or no common interests, and without feelings of common belonging. In guidelines, integration, "is regarding as a dynamic, multi-actor process of mutual engagement that facilitates effective participation by all members of a diverse society in the economic, political, social and cultural life, and fosters a shared and inclusive sense of belonging at national and local levels". To support the integration process, states should adopt policies that aim to create a society in which diversity is respected and where, everyone, including all members of ethnic, linguistic, cultural or religious groups, contributes to maintaining a common and inclusive civic identity. This is achieved by securing equal opportunities for

all to contribute to and benefit from the polity (Guidelines on Integration of Diverse Societies, 2012: 4).

In view of the growing ethnic and cultural diversity of all OSCE member states as well as the growing interest in integration models and approaches, the HCNM decided to summarize the collective experience gained and share it in the form of these Guidelines. They aim to provide guidance on how states can work to increase integration and social cohesion (Guidelines on Integration of Diverse Societies, 2012: 4).

The purpose of these Guidelines is to provide to policy makers a set of principles and a practical advice on how to formulate and implement public policies that facilitate the integration of minorities. It is hoped that other actors who contribute in various roles to this process (actors from civil society, the private sector and independent institutions) will find these Guidelines useful for their work.

The development and implementation of integration policies should be among the priorities of all states that try both to integrate ethnic diversity and to avoid the risk of developing conflict due to separation and growing tensions between groups in society, thus contributing to long-term peace and stability. Member state governments should develop strategies, public policies and action plans for integration, giving due attention to the competencies of the various levels of government and their roles, as well as to other actors and stakeholders. Public integration policies should use both top-bottom and bottom-top approaches (Guidelines on Integration of Diverse Societies, 2012:25).

Because there is no single public policy that responds to all elements of diversity and intergroup relations, more coordinated responses are needed. This generally presupposes the existence of a comprehensive integration strategy that includes specific action plans with clearly defined objectives, measurable actions and timetables in all relevant areas, such as economic, social, cultural and political. For the establishment, guarantee of the framework and public policies necessary to achieve the integration of various societies, the main responsibility is of the executive. However, policies can only be effective if all levels of authority - national, regional and local - are involved according to their competences. Therefore, national strategies and plans, general principles, directions and objectives should be adequately complemented and contextualised through local strategies and action plans and where is necessary, through regional strategies and action plans. Civil society and other non-state actors also play an important role (Guidelines on Integration of Diverse Societies, 2012:25).

The policy-making process must be based on the collection of systematic and comprehensive information and its objective analysis. As the relevant monitoring bodies point out, objective data are essential for the design and implementation of effective policies to promote and protect the rights of persons belonging to minorities. States have a wide margin of appreciation for data collection tools and mechanisms. For example, these may include official censuses or others tools such as independent sociological, ethnographic and linguistic research and analysis or other scientific research and analysis, as well as through opinion polls on households, the workforce, schools or other categories or data collected by municipalities, as well as through opinion polls regarding households, labor force, schools or other categories or data collected by municipalities. Adequate human and financial resources should be allocated to the development, implementation and monitoring of the activities set out in the strategic plans and action plans (Guidelines on Integration of Diverse Societies, 2012: 28).

Although the establishment of optimal institutional arrangements depends on the context, the existence of public, governmental and or independent institutions is

necessary in order to ensure the effective formulation and implementation of integration policies. Their competencies and tasks should be specified and their functioning should be ensured accordingly. Moreover, at national level, there is a need for a legislative framework conducive to the development of policies on the integration of minorities.

The guide suggests to states a number of key public policy areas in which national governments should take action.

With regard to 'Anti-discrimination, full and effective equality and justice', states must adopt effective implementation mechanisms when creating comprehensive anti-discrimination policies and legislation. Proactive policies should be put in place to identify and remove impediments to equal opportunities, and legal remedies in cases of discrimination should include effective, proportionate and dissuasive sanctions, suitable compensation and remedial action, where is necessary (Guidelines on Integration of Diverse Societies, 2012: 38). If we think about justice, according to the Guidelines, "trust in an impartial and effective judicial system and the availability of accessible remedies regardless of legal status are vital to the integration of society. An ineffective justice system can easily be perceived as being discriminatory against persons belonging to minorities. Lack of trust in the justice system or a perception that the system favours members of the majority undermines social cohesion, fosters alienation and can increase the risk of conflict, including of an inter-ethnic nature (Guidelines on Integration of Diverse Societies, 2012: 59).

Regarding 'Citizenship', an inclusive and non-discriminatory citizenship policy is an important aspect of integration policy. Moreover, citizenship has a symbolic value, signaling the common belonging of the person who holds it and of the one who grants it. The protection of the rights of minorities is an obligation that falls mainly on the state in which they reside. Policies that provide for privileged access to citizenship by foreign nationals on the basis of cultural, historical or family ties should ensure respect for the principle of friendly relations, including good neighborly relations, and territorial sovereignty. Such policies should be designed so as to avoid creating ambiguities in relation to jurisdiction (Guidelines on Integration of Diverse Societies, 2012: 40-44).

For Participation in public life, governments should adopt specific policies, focused to ensure that all people have adequate opportunities to participate effectively in the democratic decision-making process. Based on international standards and practices as well as based on the experience of HCNM, focused policies may include one or more of the following policies, including: electoral systems that facilitate minority representation and influence, while opening competition for votes among all sectors in society. Intercommunity political platforms can play an important role in the integration of society and effective participation of minorities; advisory or consultative bodies and mechanisms that act as formal or informal channels of communication between governments and community; bodies and processes designed to ensure and promote effective dialogue, or others (Guidelines on Integration of Diverse Societies, 2012: 45-47).

The participation of persons belonging to minorities in the economic and social life of the state is as important as their participation in public life. In particular, according to the guide "the governments should implement strategies and targeted policies to promote labourmarket inclusion of minority groups with disproportionately low participation. Such policies should be evidence-based, with an assessment of the economic needs and interests of different communities, including minorities, in the context of wider labourmarket dynamics. Strategies and policies should be designed, implemented and monitored for effectiveness in regular consultation with the representatives of the persons or groups concerned. Where

needed, specific but not exclusive measures to overcome barriers to employment should be put in place for particularly disadvantaged groups. Examples of such measures include job training programmes or workplace, based language instruction. While targeting underrepresented minorities, such measures should not be limited to participation by specific groups but be open to all who may need such support” (Guidelines on Integration of Diverse Societies, 2012: 48).

Cultural policies` should not be limited to the preservation and promotion of traditional cultures, but should at the same time encourage a plurality of cultural and artistic expressions, promote equal access to contemporary culture in all its forms, and encourage intercultural interaction and exchange. State policies should respect and, where appropriate, support the preservation, enhancement and transmission of the cultural and religious heritage of communities in all its forms to future generations. It may include cultural and religious practices, representations, expressions, knowledge and skills, objects and artifacts, and the buildings and spaces associated with them. To this end, it is essential that minority representatives be effectively involved in all stages of the development, implementation and monitoring of relevant policies and legislation (Guidelines on Integration of Diverse Societies, 2012: 49-51).

`Education policies` should be formulated in accordance with and as part of integration policies. In this way, they can provide a better basis for the integration of society and can encourage knowledge, interaction and understanding between students from different communities. Educational policies should aim to follow an appropriate balance between respect for the established right of persons belonging to minorities to learn the language of that minority or, when all conditions are met, to learn in that language and the need to create a common educational space in which all people to enjoy equal chances of obtaining a quality education. In this context, it is important to avoid educational segregation, even when it is self-imposed by minority communities, but with full respect for the educational rights of persons belonging to minorities (Guidelines on Integration of Diverse Societies, 2012: 54-55).

Conclusions

In light of what is presented, if we ask ourselves to what extent Romania has managed to successfully implement such policies, we can conclude that Romania has managed to develop over time, of course with the help of national minorities, a system of protection of their rights complies with international standards in the field. The system has proved quite effective in protecting and promoting the cultural, linguistic or religious identity of persons belonging to national minorities in Romania. This results from the analysis of the various monitoring mechanisms established under the conventions of the Council of Europe, in particular the Framework Convention. Specifically, Romania protects the rights of persons who freely declare their membership in a national minority, to use their mother tongue in relation to administrative and judicial authorities, to learn their mother tongue, to receive education in their mother tongue, to have the service religious in the mother tongue, to have access to the media in the mother tongue or to participate in public life and in the decision-making process in matters of relevance to society as a whole, not just to the minority concerned. The national legal framework, which allows the affirmation and promotion of the elements that make up the specific identity of national minorities, is also a guarantee of promoting multiculturalism. Moreover, it is considered that the basic principles regarding the integration and guarantee of the rights of persons belonging to minorities are firmly anchored in the legal

order of Romania. The relevant legal framework consists of numerous rules of law in all areas. Undoubtedly, however, we are talking about a perfectible legal framework, as well as its application, and we are talking about the need for continuous adaptation to policies aimed at protecting the rights of persons belonging to national minorities, to the ever-changing social realities.

At the international level, the practice reveals and encourages the integration of persons belonging to minorities, as a result a series of regulations on minorities have been adopted and solutions have been formulated that can serve as a basis for the development and implementation of long-term programs on the protection of nationale minority rights.

In this sense, the Framework Convention for the Protection of National Minorities of the Council of Europe is considered the main European instrument in the field of protection and integration of the rights of persons belonging to national minorities. It guides the relevant public policies in order to ensure the effective and substantial regulation and enforcement of the rights of persons who identify themselves as belonging to a national minority. The Framework Convention must also be seen as a pragmatic tool that highlights the measures that states must take in order to protect national minorities on their territory, in order to ensure both the integration of minorities and cultural diversity in the societies from which they belong. In addition, it emphasizes the dimension of international cooperation in ensuring the rights of national minorities, as part of fundamental human rights, while respecting the principles of international law which governing relations between states.

The Ljubljana Guidelines on the Integration of Diverse Societies (2012) present the same way of thinking and approach. In practice, it support national governments with a set of guiding principles and practical guidelines on how to formulate and implement public policies that facilitate the integration of diverse societies. The development and implementation of integration policies must be among the priorities of all states which try to integrate diversity, because through them the risk of developing conflicts as a result of separation and increasing tensions between groups in society can be avoided, thus contributing to long-term peace and stability.

The Romanian authorities, as well as those of other countries, are invited to always adapt in order to find the balance between the need of minority groups to submit to a different regime, motivated by their special characteristics, and between the concern of not providing an excuse for a policy of separation. The protection of cultural identity should therefore not be taken to the extreme, in essence, it is a matter of balance, each culture having to adapt to the needs of development, without being asked, however, to give up its individuality (Prisacariu, 2010: 195) .

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