

## LEGAL AND INSTITUTIONAL PROTECTION OF NATIONAL MINORITIES IN ROMANIA AND THE EUROPEAN UNION

OANA RĂVAȘ\*

**ABSTRACT:** *This article examines the legal and institutional framework for protecting the rights of national minorities in Romania, in the broader context of European Union norms and comparative practices. It outlines Romania's constitutional and legislative provisions against discrimination, guarantees for linguistic and cultural rights, and mechanisms for political representation of minority communities. The analysis contrasts Romania's model - considered one of the most extensive minority representation systems in Europe - with policy approaches in other EU states, highlighting examples of inclusive practices (such as reserved legislative seats and cultural autonomy) as well as gaps in EU-level minority protections. The article concludes with policy recommendations for enhancing minority rights and representation, emphasizing the need for both robust national legislation and a coherent European framework.*

**KEY WORDS:** *minorities, anti-discrimination, ethnic identity, minority rights, political representation, national legislation, EU best practices.*

**JEL CLASSIFICATIONS:** J28, J81, J83.

### 1. INTRODUCTION

The protection of national minority rights is a core principle of democratic governance and human rights in Europe. International agreements such as the OSCE's Copenhagen Document (1990) first affirmed that persons belonging to national minorities must be able to effectively enjoy their culture, religion, and language, and participate in public life without discrimination (OSCE, 1990). At the EU level, respect for minority rights is embedded in the Union's values, yet there is no comprehensive **acquis** specifically dedicated to minorities beyond general anti-discrimination directives (Van den Berghe, 2010). This has led to diverse national approaches across Member States, shaped by historical, demographic, and constitutional factors.

---

\* Lecturer, Ph.D., University of Petroșani, Romania, [oana.ravas@gmail.com](mailto:oana.ravas@gmail.com)

Romania provides a particularly interesting case study of legal and institutional measures for minority protection. According to the 2011 census, minorities in Romania (including Hungarians, Roma, Ukrainians, Germans, Turks, Tatars, and others) comprise roughly 10–12% of the population. The Romanian state officially recognizes 20 national minority groups in total, each of which has access to certain cultural and political rights (Romanian Parliament, 1991; Council of Europe, 1995). The largest minority is the Hungarian community (over 1.2 million people, ~6% of the population), followed by the Roma (~3%), with other groups such as Ukrainians, Germans, and Turks forming smaller percentages. These communities are dispersed unevenly: some counties in Transylvania and Dobrogea are ethnically diverse, whereas others in regions like Moldova and Oltenia have over 95% ethnic Romanian population.

Since the 1990s, Romania has developed a robust legal framework and institutions dedicated to protecting minority rights, aligned with European standards (Council of Europe, 1995). This article analyses key components of this framework, including constitutional provisions, anti-discrimination legislation, and cultural and linguistic rights guarantees (Section 2 and 3). It also examines the political representation of minorities in Romania's parliament and local government (Section 4). In Section 5, the Romanian model is compared with policy practices in other EU countries, such as reserved seats in Croatia and Slovenia or minority consultative bodies in Finland and Germany. This comparative perspective highlights both best practices and the varied approaches to minority inclusion across Europe. Finally, Section 6 provides conclusions and policy recommendations, advocating for strengthened legal protections and institutional support for minorities in Romania and at the EU level, in line with the principle of a Europe "united in diversity."

## **2. LEGAL FRAMEWORK FOR MINORITY PROTECTION IN ROMANIA**

Romania's Constitution lays the foundation for minority rights protection and equality before the law. Article 4 of the Constitution emphasizes the unity of the nation while explicitly stating that Romania is the common and indivisible homeland of all its citizens, irrespective of ethnicity (Romanian Parliament, 1991). Article 6 provides that the state "recognises and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity" (Romanian Parliament, 1991). These clauses establish a clear principle of non-discrimination and identity protection at the highest legal level. In addition, Article 16 guarantees equality of all citizens before the law, and Article 30(7) prohibits any "incitement to national, racial, class or religious hatred" in exercising freedom of expression, thereby banning speech that could instigate discrimination or hostility towards minorities (Romanian Parliament, 1991). Such constitutional provisions align with European human rights instruments - for example, the Framework Convention for the Protection of National Minorities (Council of Europe, 1995) - and signal Romania's commitment to uphold minority rights in line with international standards.

Building on the Constitution, Romania has adopted comprehensive anti-discrimination legislation. The cornerstone is Government Ordinance 137/2000 on Preventing and Sanctioning All Forms of Discrimination, which was later approved and amended by Law 48/2002 and subsequent laws. This ordinance defines and prohibits discrimination on numerous grounds, including ethnicity, mother tongue, religion, and beliefs, in all spheres of public life. It implements the EU's Racial Equality Directive (2000/43/EC) in national law, going even further by covering additional domains beyond employment (Van den Berghe, 2010). The ordinance created the National Council for Combating Discrimination (CNCD), an autonomous public authority tasked with investigating discrimination cases and applying sanctions. The CNCD has become a key institutional mechanism for enforcing minority protections in areas such as education, hiring, provision of services, and media, ensuring that instances of ethnic bias or hate speech are addressed through administrative or legal remedies.

Romanian criminal law also supports minority protection by penalizing extreme forms of discrimination and hate crimes. The Criminal Code includes provisions that treat racist or xenophobic motivation as an aggravating circumstance for offenses (e.g. Art. 77, lit. h of the current Criminal Code). Additionally, specific legislation bans fascist, racist or xenophobic organizations and symbols. Government Emergency Ordinance 31/2002, supplemented by Law 217/2015, expressly prohibits the establishment of groups with fascist, racist or xenophobic character and the public exaltation of persons guilty of crimes against humanity. It criminalizes Holocaust denial and the promotion of racist ideologies, with penalties including imprisonment. For example, public propaganda for fascist or racist organizations or the negation of genocide and war crimes are punishable by 6 months to 3 years in prison. These measures, although not specific to minorities per se, create a deterrent against hate-based activities that threaten minority communities. By outlawing incitement to national hatred and punishing violent hate crimes, Romanian law provides minorities with an added layer of security and underscores the state's zero-tolerance stance toward ethnic intolerance.

Romania's institutional setup further supports minority rights. A Department for Interethnic Relations exists within the Government, coordinating policies and funding for minority-related projects (culture, education, media). There is also a Council of National Minorities, comprising representatives of all officially recognized minority organizations, which functions as a consultative body on legislation and policy affecting minority groups. This ensures minority voices are heard in the law-making process and administrative decisions. Civil society organizations associated with various ethnic communities (for example, the Democratic Forum of Germans, the Union of Armenians, the Federation of Jewish Communities, etc.) also play an active role in promoting minority interests and intercultural dialogue, often in partnership with state institutions.

Romania is a party to the major international treaties on minority rights. It ratified the Council of Europe's Framework Convention for the Protection of National Minorities in 1995 and the European Charter for Regional or Minority Languages in 2007 (Council of Europe, 1992; Council of Europe, 1995). It has also endorsed

relevant OSCE commitments and UN conventions that relate to racial discrimination and cultural rights. These instruments have been reflected in domestic legislation. For instance, the Framework Convention's principles of preserving minority cultures and languages are evident in Romanian laws on education and local administration (discussed in Section 3), while the Charter's provisions have led to expanded use of minority languages in public life. The periodic monitoring reports by the Council of Europe have noted Romania's significant progress in building a legal framework consistent with European norms, while also pointing out areas for improvement such as the socio-economic inclusion of the Roma minority (Council of Europe, 2019). Overall, the legal and institutional architecture in Romania is considered comprehensive, offering substantial guarantees for equality and minority rights protection (Protsyk, 2010). The challenge remains to ensure effective implementation at the grassroots level, so that these legal provisions translate into tangible improvements in the lives of minority communities.

### 3. LINGUISTIC AND CULTURAL RIGHTS OF MINORITIES

A defining aspect of minority protection is the ability to preserve and express one's language, culture, and identity. Romanian law explicitly safeguards these linguistic and cultural rights, recognizing that minorities contribute to the national cultural heritage. Article 6 of the Constitution guarantees the right to identity, which includes language and culture (Romanian Parliament, 1991). Beyond this general principle, there are specific laws and policies addressing minority language use in education, justice, public administration, and cultural life.

Access to education in one's native language is fundamental for minority communities to transmit their language and traditions to future generations. Romanian legislation provides broad opportunities for minorities to learn and be instructed in their mother tongue. Law 198/2023 (the new Pre-University Education Law) provides a robust framework for mother-tongue education for national minorities, covering all levels from kindergarten to high school. It guarantees the right to study in one's native language, the establishment of minority-language schools and classes on request, adapted curricula (especially for learning Romanian as a second language), support measures like transport and accommodation, as well as representation in school governance).

In practice, this means there are state-funded schools or classes teaching in Hungarian, German, Ukrainian, Serbian, Slovak, Turkish, etc., wherever there is sufficient demand. From kindergarten through secondary school, minority-language education is available, following a curriculum that includes both general subjects and elements of the respective minority's history and culture. At the tertiary level, there are also sections or groups with instruction in minority languages (for example, Hungarian-language universities or faculties in Cluj-Napoca, Târgu Mureș, and other centers). The Education Law guarantees also the right to study the Romanian language for minority students under adapted curricula, ensuring they become fully bilingual (Romanian Parliament, 2023). These provisions reflect Romania's commitment to cultural diversity in education, comparable to practices in other multilingual countries.

They also fulfil obligations under the European Charter for Minority Languages (Council of Europe, 1992), which encourages signatories to provide education in regional or minority languages at all appropriate levels.

The ability to use one's mother tongue in dealings with authorities is another key right for minorities. The Romanian Constitution in Article 128(2) provides that Romanian citizens belonging to national minorities have the right to *use their mother tongue in court*; the judiciary must arrange free translation or interpreter services in such cases (Romanian Parliament, 1991). This constitutional right is operationalized by Article 14 of Law No. 304/2004 on judicial organization, which obliges courts to ensure free interpreters for parties who request to speak in a minority language. As a result, an ethnic Hungarian, German or Serbian, for example, can testify or otherwise participate in court proceedings in their own language, with the state bearing the cost of translation. This measure not only helps minorities access justice on an equal footing, but it symbolizes respect for linguistic identity within the legal system.

These measures illustrate Romania's alignment with European norms, such as the principle of cultural autonomy and local multilingualism advocated by the Council of Europe's recommendations.

Beyond language, the Romanian state supports the preservation of minority cultures through various channels. Each recognized minority has a national minority organization (often the same organization that represents it in Parliament, see Section 4) which receives annual funding from the state budget to finance cultural activities, education, and media in the minority language. For instance, the Union of Ukrainians in Romania, the Federation of Jewish Communities, the Hellenic Union of Romania (for Greeks), and all others obtain grants to run community centres, libraries, museums, and cultural events that celebrate their heritage.

There are also state-funded minority-language media outlets: TVR Minorități (a department of the public television broadcaster) produces programming in Hungarian, German, and other minority languages, and Public Radio has dedicated minority language stations or slots (such as Radio Cluj's Hungarian service, Radio Timișoara's German hour, etc.). The Romanian state maintains professional institutions like the German State Theatre in Timișoara and the Hungarian State Theatre in Cluj, which perform in minority languages. Additionally, minority groups' religious freedoms are fully respected, with several minority faiths (e.g., Armenian Apostolic Church, Judaism, Islam as practiced by the Tatar and Turkish minority in Dobrogea) officially recognized and supported.

Such cultural rights initiatives are grounded in the understanding that protecting minority identity enriches Romania's social fabric and helps prevent assimilation pressures. Indeed, Article 6 of the Constitution not only guarantees minority identity, but also charges the State with taking measures for the preservation of that identity (Romanian Parliament, 1991). In practice, this has meant active state involvement in minority cultural preservation, which observers often cite as a positive model in the region (Council of Europe, 2019). One illustrative case is the Hungarian minority, which runs an extensive network of cultural institutions (museums, theatres, festivals) with state co-funding, allowing the community to thrive culturally.

The ethnic German minority, although numerically small today, benefits from initiatives like the annual Saxon folk festivals and restoration of German heritage sites in Transylvania with government and international support. Such efforts echo the recommendations of the Framework Convention which calls on states to promote conditions for minorities to maintain and develop their culture (Council of Europe, 1995).

In summary, Romania's legal framework on linguistic and cultural rights of minorities is quite comprehensive. It grants minorities considerable opportunities to use their mother tongue in education, justice, and administration, and provides material support for cultural activities. These measures reinforce the notion of an inclusive society that recognizes diversity as an asset. Challenges remain, particularly in implementation – for example, ensuring that local authorities everywhere fully comply with bilingual requirements, or that Roma children have equal access to quality education – but the legal rights themselves are firmly established. The Romanian approach can be seen as part of a wider European trend following the 1990s, where many Central and Eastern European countries strengthened minority rights protection as they joined the Council of Europe and the EU. Romania, by embracing these standards, has laid a solid foundation for minority communities to preserve their language and culture within the framework of the Romanian state.

#### **4. POLITICAL REPRESENTATION OF MINORITIES IN ROMANIA**

Political representation is a crucial dimension of minority rights, as it ensures minorities have a voice in legislative and governance processes. Romania's system for minority political representation is often cited as a unique model in Europe (Protsyk, 2010). The cornerstone of this model is the provision of guaranteed representation in the Parliament for each officially recognized national minority, regardless of their size, provided they meet minimal electoral conditions. This mechanism, established in the early 1990s, reflects an understanding that some minority communities might not be able to attain representation through regular electoral competition and thus need reserved seats to participate in national decision-making.

The Romanian Constitution states in Article 62(2): "Organizations of citizens belonging to national minorities which fail to obtain in elections at least one deputy or senator mandate have the right to one deputy mandate each" (Romanian Parliament, 1991). In other words, each national minority group recognized by law is entitled to one seat in the Chamber of Deputies (the lower house of Parliament), if it does not gain representation on its own in an election. This constitutional guarantee is implemented by the electoral law (currently Law No. 208/2015 on parliamentary elections), which sets the specific conditions. A minority organization must participate in the elections and must obtain a number of votes at least 5% of the average number of votes needed to elect one deputy in the country (an extremely low threshold in practice) to qualify for the reserved seat. In essence, this rule exempts minority organizations from the normal electoral threshold (which is 5% of votes nationally for parties) and instead awards them a seat for a token level of support. The rationale is to balance fairness with some demonstration of community backing. In recent elections, that 5% of the

electoral quotient has translated to roughly 8,000-10,000 votes nationally – a figure most minority organizations can achieve by mobilizing their communities. The Hungarian minority's party (UDMR) typically surpasses the normal threshold and wins many seats outright, but all other minorities (each constituting under 1% of the population) rely on this special provision to have a representative in Parliament.

The result of this system is a Parliamentary Group of National Minorities in the Chamber of Deputies, comprising one deputy from each minority organization that obtained a seat via Article 62(2). In the 2020–2024 legislature, for example, 18 such minority deputies were present (representing Armenians, Albanians, Bulgarians, Croats, Czechs and Slovaks jointly, Greeks, Italians, Jews, Poles, Roma, Russians-Lipovans, Serbs, Tatars, Turks, Ukrainians, and others). In the 2024 elections, this number rose to 19 seats, reflecting the official recognition of an additional minority organization. These minority deputies have the same rights and duties as any other members of Parliament. They usually caucus together in the Minorities Group, which traditionally supports the government of the day but also advocates specifically for minority issues such as bilingual education funding, cultural programs, or property restitution for community assets.

The Hungarian community (the largest minority) has a political party – the Democratic Alliance of Hungarians in Romania (UDMR/RMDSZ) – that regularly wins seats above the threshold (often around 5-6% of the national vote). The UDMR has been represented continuously in Parliament since 1990, holding between 20 and 30 seats in the Chamber of Deputies (and some in the Senate) depending on the election year. Because the Hungarians secure representation through the normal PR system, they do not take up one of the reserved minority seats (those are granted only to minorities not otherwise represented). Thus, effectively, the Romanian Parliament includes both the UDMR faction and the Minority Group comprised of the other minorities' representatives. This arrangement has been credited with fostering interethnic dialogue and stability, as it integrates minority leaders into the political process (often, minority MPs support governing coalitions and obtain concessions for their communities). For instance, minority deputies have backed various cabinets and in return ensured the passage of minority-friendly laws or increased budgets for minority departments. The presence of minority representatives in Parliament also has a symbolic importance: it signals that the legislative body is inclusive of the nation's diversity, and it gives minorities direct access to law-making (Protsyk, 2010).

Comparatively, Romania's reserved seat system is among the most generous in Europe in terms of the number of groups represented. Oleh Protsyk (2010) notes that the reserved seat provisions for minorities in Romania, "which are the most extensive in Europe, allowed a large number of minority groups to send representatives to parliament" (Protsyk, 2010). Indeed, no other EU country guarantees parliamentary representation to as many as 18–19 different minority groups. This approach has been praised for inclusivity, though it also has limitations. One limitation is that it grants each minority only one seat regardless of population size – which means very small minorities (like Armenians, with a few thousand people) get the same single seat as the Roma community, which numbers over half a million. Consequently, the Roma are under-represented relative to their population share, holding just one reserved seat

(Protsyk, 2010). While Roma candidates could in theory win additional seats under the normal electoral system, in practice internal fragmentation and social marginalization have hindered their political representation. Thus, although all minorities have a “voice” in Parliament, the influence is not proportional to demographic weight. Another limitation sometimes discussed is that reserved minority deputies are elected on very small vote totals and sit in Parliament without an extensive electorate, which critics say gives them less democratic legitimacy. However, defenders respond that these deputies represent communities that would otherwise have no spokesperson at all in Parliament, and their presence is compensated by the informal pact of supporting majority governments (hence they rarely act as a swing vote on major issues).

Romania’s minority representation model has had several important impacts. Firstly, it has integrated minority elites into mainstream politics, contributing to interethnic peace. Unlike some neighbouring countries that experienced ethnic conflicts in the 1990s, Romania maintained relative calm; many analysts credit the UDMR’s parliamentary presence and participation in successive governing coalitions (1996-2000, 2004-2008, 2009-2014, etc.) as helping to address Hungarian minority grievances through dialogue and policy compromises rather than street protests (Kovács & Tóth, 2013). The reserved seats for smaller groups have likewise given those communities a channel to raise issues (education in minority languages, property rights, religious freedoms) within the legislative process instead of seeking solutions outside it. Minority MPs have been active in initiating or supporting legislation such as the Law on Education (which expanded mother-tongue teaching) and laws that gave back church properties to minority religious denominations.

Secondly, the presence of minorities in Parliament has likely improved the quality of legislation on diversity issues. For example, when laws affecting minority culture or language are debated, these deputies bring first-hand perspectives and can alert the majority to unintended consequences. They often work within the Committee for Human Rights, Religious Affairs and National Minorities of the Chamber of Deputies, or form informal caucuses on issues like Roma inclusion. Their input has shaped policies like the national Roma inclusion strategy and the decision to create the Department for Interethnic Relations.

Thirdly, Romania’s approach serves as a model within the EU context. It demonstrates one way to fulfil the Copenhagen political criterion regarding respect for minority rights (European Parliament, 2018). While not all EU states would adopt reserved seats, the concept of guaranteed representation has been positively noted in European forums. For instance, the European Parliament in a 2018 resolution highlighted best practices among Member States and specifically mentioned mechanisms like those in Romania, Slovenia, and Croatia as contributing to political inclusion of minorities (European Parliament, 2018). Romania’s model, alongside others, shows that ensuring even the smallest minorities a presence in the legislature can strengthen democratic participation without threatening the political system’s stability - indeed, minority deputies in Romania have proven to be constructive parliamentarians, generally supporting democratic reforms and Euro-Atlantic integration.



Nevertheless, it should be noted that representation alone does not solve all minority problems. As mentioned, the Roma community continues to face severe socio-economic disadvantages and discrimination, issues which one or two Parliamentarians alone cannot rectify. The influence of minority MPs is also constrained by their small numbers; they usually need to align with larger party groups to achieve objectives. Moreover, some critics argue that reserved seats might inadvertently limit minorities' political ambition - for example, the Hungarian community, having a large party, competes vigorously in politics, whereas smaller minorities knowing they are assured one seat might not strive to mobilize beyond that. Despite these debates, the general consensus in Romania is that the system of minority representation has been beneficial and remains an essential part of the country's political framework. It symbolizes the constitutional principle of **unity in diversity**, sending the message that every ethnic community, no matter how small, has a rightful place in the nation's public life.

## 5. COMPARATIVE EU PRACTICES AND POLICY MODELS

European Union member states exhibit a wide range of policies and institutional models regarding the protection of national minorities. While the EU as a whole espouses values of equality and cultural diversity, it has not imposed a uniform minority rights regime on its members (European Parliament, 2018; Council of Europe, 1995). As a result, each country's approach reflects its historical minority populations and political choices. In this section, we compare Romania's minority protection and representation system with selected practices from other European countries, highlighting both good practices and different models of integration. Table 1 provides an overview of how several European states address minority political participation through measures like reserved seats, electoral threshold adaptations, and official recognition of minority groups.

A number of European democracies, like Romania, have introduced reserved seat systems or special electoral rules to enhance minority representation in legislatures:

- **Croatia** provides a notable example of reserved seats at the national level. The Croatian Parliament (Sabor) sets aside 8 seats for minority representatives. These include specifically 3 seats for the Serb minority, 1 each for the Italian, Hungarian, and Czech/Slovak minorities, and 2 seats shared among smaller groups (including Austrians, Bulgarians, Jews, Germans, etc.) (Constitution of Croatia, art. 15). Minorities in Croatia may opt to vote in separate minority electoral districts rather than the general voting pool, a flexible system that assures minorities representation while still allowing them to participate in general politics. This hybrid model (some seats reserved by ethnicity, others by general vote) aims to balance minority autonomy with integration (Krasniqi, 2010).
- **Slovenia** has a highly protective arrangement for its two historical minorities – the Italian and Hungarian communities. Each of these has one guaranteed seat in the Slovenian Parliament (National Assembly), elected by members of those minority communities in separate elections. What is distinctive is that these minority

deputies in Slovenia also wield a form of veto power: legislation that specifically affects the Italian or Hungarian minority cannot be passed if the respective minority representative votes against it, unless a re-vote is taken with a special procedure (Constitution of Slovenia, art. 64; Lombardia, 2019). This effectively gives the two minorities a say in any laws touching on their rights. Moreover, minority deputies in Slovenia enjoy a broader consultative role on relevant policy issues. This “ethnic veto” model is relatively rare and indicates an advanced level of legal protection. It recognizes the Italians and Hungarians as constituent communities of the state, reflecting

- Finland (and similarly Sweden) addresses minority representation through cultural autonomy rather than reserved national parliament seats. The indigenous Sámi people in Finland (and Sweden) have their own elected body, the Sámi Parliament (Sámediggi), which is a parallel institution representing the Sami minority. In Finland, the Sámi Parliament is a consultative body with authority over certain cultural and linguistic matters and must be consulted on all decisions affecting the Sami region (Finnish Sámi Parliament Act, 1995). While the Sámi Parliament does not enact national legislation, it exercises a degree of self-governance in areas like language preservation, education, and reindeer herding rights. Similarly, Sweden’s Sametinget (established 1993) plays an advisory role to the Swedish government and administers programs for the Sami. This model provides non-territorial autonomy: it empowers a minority through an institution of its own, rather than ensuring representation in the general parliament.
- **Germany** has no reserved seats at the federal Parliament (Bundestag) for minorities, yet it implements other supportive measures. The Danish minority in Germany (located in Schleswig-Holstein) is exempted from the 5% electoral threshold at the Land (state) level – meaning the Danish minority party (SSW) can gain seats in the Schleswig-Holstein state parliament even if it gets less than 5% of votes, as long as it represents the minority (German Federal Electoral Law, Art. 6, for Schleswig-Holstein). This has allowed the Danish community (around 50,000 people) to consistently have representation in that state’s legislature and sometimes even be part of governing coalitions. Similarly, in some eastern German regions, Sorbian representatives have consultative councils, though Sorbs generally participate through major parties. Germany officially recognizes four national minorities (Danish, Sorbs, Frisians, and Roma/Sinti) and provides a pluralist protection regime focusing on cultural promotion and representation through advisory bodies rather than separate political representation at the federal level. Financial support to minority organizations and guaranteed cultural rights (e.g., bilingual education, media) are cornerstone features. The German approach illustrates that a country with strong rule of law and federal structure can protect minority interests without formal quotas in the Bundestag by empowering minorities in regional contexts and ensuring robust anti-discrimination laws.
- **Italy** officially recognizes minority languages in several regions and provides cultural autonomy, but it does not reserve national parliament seats for minorities. It does, however, have two Senate seats reserved for the French-speaking Valle

d'Aosta and German-speaking South Tyrol communities, by virtue of those regions' autonomous status and small population.

- **Spain** does not designate seats by ethnicity, but the strong presence of regional parties representing Catalans, Basques, Galicians, etc., in the Spanish Parliament effectively ensures those minorities a voice. The Spanish model relies on territorial devolution: regions like Catalonia and the Basque Country have parliaments and governments of their own, where the regional majority (often a minority nationally) can govern and protect its language and culture. This autonomy model achieves minority representation through regional empowerment rather than guarantees in the central legislature. Catalan and Basque nationalist parties have, however, been influential in the national Cortes when forming coalitions, thus indirectly representing their groups at the state level.
- **France** stands out for its assimilationist republican model: it does *not* recognize any minority groups or grant special rights (the constitution asserts the indivisibility of the French people). There are no reserved seats or language rights; even collecting official statistics on ethnicity is restricted. Minorities (like Bretons, Basques, Corsicans, or immigrants) are expected to integrate as French citizens, and any representation they achieve is through general political competition. This lack of recognition means no formal accommodation for minority political representation exists – a policy often criticized by international bodies (European Parliament, 2018) but rooted in France's interpretation of equality and secularism. A Corsican regional assembly exists but its powers are limited and it is not a result of minority rights regime but a regional devolution applicable to Corsica specifically.

The comparative perspective reveals that Romania's approach (guaranteed representation for all recognized minorities) is at one end of a spectrum of European practices. On the other end are countries like France or Greece that offer virtually no group-specific political representation measures (indeed, Greece has a 3% national threshold that in practice has prevented the Turkish/Muslim minority from forming a successful party, limiting their representation to a couple of MPs elected from local strongholds through mainstream parties).

The European Union does not mandate any specific model, but it does promote general principles of equality and best practices exchange. The EU's Agency for Fundamental Rights has highlighted how minority under-representation remains an issue in many countries and has indirectly encouraged states to consider positive measures (FRA, 2017). The European Parliament has passed resolutions (e.g. in 2018) calling for minimum standards for the protection of minorities across the EU, including recommendations that Member States ensure adequate representation of national and linguistic minorities in public institutions (European Parliament, 2018).

In Table 1, we summarize how selected EU countries compare on key dimensions of minority political participation. The table underscores that Romania, Croatia, and Slovenia explicitly guarantee seats; several others have partial measures; while a few do not offer any special representation mechanisms.

As seen above, best practices often involve a combination of approaches: legal guarantees, institutional arrangements, and cultural autonomy. For instance, Slovenia's system combines reserved seats with cultural self-governance structures; Finland's

model couples an elected cultural parliament with strong linguistic rights in public services for the Sami. On the other hand, countries that lack formal arrangements may rely on general liberal democratic processes, which sometimes leads to minority under-representation.

**Table 1. Comparative overview of minority political representation in selected European countries**

Country	Reserved seats	Adapted electoral threshold	Official recognition	Examples of minorities represented
Romania	✓ (20 seats in Chamber of Deputies)	✓ (threshold exemption)	✓ (20 minorities recognized)	Hungarians, Roma, Armenians, Lipovan Russians
Croatia	✓ (8 seats)	✓ (special minority districts)	✓ (more than 20 minorities)	Serbs, Italians, Roma, Czechs
Slovenia	✓ (2 seats)	✓ (+ veto rights for minority laws)	✓ (only 2 minorities)	Hungarians, Italians
France	✗	✗ (no adaptations; 5% threshold)	✗ (no official recognition)	(no group-specific representation)
Finland	✓ (parallel representative body)	✓ (consultative role)	✓ (Sami recognized)	Sami (via Sami Parliament)
Germany	✗	✓ (in Länder, e.g. no threshold for Danish party)	✓ (4 minorities)	Danes, Sorbs, Frisians (Roma/Sinti also recognized)
Greece	✗	✗ (3% national threshold)	✓ (limited, Muslim minority)	Turks (Muslim minority in Thrace; no national representation)
Spain	✗	✓ (via regional parties)	✓ (“nationalities” in regions)	Catalans, Basques (through regional autonomy)

*Sources: National legislation of the respective countries; OSCE/ODIHR reports; Council of Europe country assessments*

In conclusion of this comparative survey, it is evident that while there is no one-size-fits-all model, certain trends can be discerned in Europe. Multinational states with clearly distinct groups (like Belgium, Spain, the UK to an extent) favour territorial autonomy and power-sharing. States with many small dispersed minorities (Central-Eastern Europe) often use reserved seats or consultative councils (Romania, Croatia, Hungary’s local minority self-governments system, etc.). Nordic countries emphasize cultural autonomy for indigenous peoples. And a few states maintain an assimilationist stance, though even these are under pressure to adjust (e.g., France has faced calls to ratify the Minority Languages Charter, and Greece has shown slight openness by appointing a Turkish-origin deputy minister in recent years). Romania’s model stands

out for its breadth of inclusion and could serve as a reference point in ongoing European discussions about minority representation standards (European Parliament, 2018).

## 6. CONCLUSIONS

The protection and promotion of the rights of national minorities remain a fundamental pillar of democratic societies. Romania's model, marked by constitutional guarantees, anti-discrimination legislation, linguistic protections, and institutionalized parliamentary representation, offers a valuable case of comprehensive minority inclusion. Despite this progress, persistent challenges - particularly the underrepresentation and socio-economic exclusion of the Roma community, gaps in implementation of legal provisions, and occasional interethnic tensions - highlight the need for sustained political commitment and targeted interventions.

The European Union's legal framework remains fragmented, with no binding directive on minority rights. In this context, national best practices, including Romania's reserved parliamentary seats, Slovenia's minority veto, and Finland's cultural autonomy for the Sami, serve as illustrative models of effective minority participation. These experiences suggest that well-designed legal and institutional mechanisms can enhance minority agency without compromising state cohesion.

Drawing from both national and European contexts, this article proposes several strategic directions:

- The adoption of a European Charter on Minority Rights and Political Participation could set minimum standards for recognition, data collection, representation, and linguistic inclusion - strengthening the EU's normative role in ensuring "unity in diversity".
- Member States should critically assess electoral thresholds and district configurations to eliminate structural barriers to minority participation. In Romania's case, supplementing reserved seats with proportional adjustments for larger minorities (e.g. Roma) would enhance representativeness.
- Legal recognition and adequate funding of local or cultural self-governance bodies can empower minorities to participate meaningfully in decision-making, especially in education, cultural heritage, and language use.
- Leadership and Socio-Economic Equity: Investment in education, scholarships, and civic engagement programs for minority youth is essential to cultivate future leaders and address structural inequalities, particularly for marginalized groups.
- Visibility of minority languages and traditions in public life - through bilingual signage, minority media, education curricula, and cultural events - can normalize diversity and foster mutual respect.

In sum, minority rights must evolve from legal formalities to lived realities. Romania's experience demonstrates that inclusive legal frameworks, when coupled with proactive and well-funded policies, can foster a pluralistic society. For the European Union to fulfil its democratic values, it must move beyond general declarations and toward enforceable standards that guarantee both representation and dignity for all minority groups.

## REFERENCES:

- [1]. Romans, W., Petrenko, O., Thomsen, A. Ulasiuk, I. (Eds.) (2020) *Effective Participation of National Minorities and Conflict Prevention*. Leiden: Brill
- [2]. Salat, L., Iordache, R., Székely, I. Constantinescu, M. (Eds.) (2019) *Autonomy Arrangements in the World: A Collection of Well and Lesser Known Cases*. Cluj-Napoca: Romanian Institute for Research on National Minorities
- [3]. Riekkinen, M. (2020) *Social life in the context of European minority rights*. European Yearbook of Minority Issues, 17(1), pp. 49–79
- [4]. Carrera, S., Guild, E., Vosyliute, L. Bárd, P. (2017) *Towards a comprehensive EU protection system for minorities*. Study for the European Parliament LIBE Committee. Brussels: CEPS. Available at: <https://www.ceps.eu/ceps-publications/towards-comprehensive-eu-protection-system-minorities/> [Accessed 10 October 2025]
- [5]. Kállai, P. (2023) *Minority Rights Index (2020): A New Attempt to Evaluate Rights of National and Ethnic Minorities through a Quantitative Approach*. ELTE Political Science Working Paper No. 2023/1. Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4399867](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4399867) [Accessed 14 October 2025]
- [6]. Minority Rights Group International (2015) *Minority Rights Advocacy in the EU: A Guide for NGOs in Eastern Partnership Countries*. London: MRG. Available at: <https://minorityrights.org/publications/minority-rights-advocacy-in-the-eu-guide/> [Accessed 12 October 2025]
- [7]. OSCE/ODIHR (2014) *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes*. Warsaw: OSCE. Available at: <https://www.osce.org/odihr/elections/124067> [Accessed 12 October 2025]
- [8]. Council of Europe (1992) *European Charter for Regional or Minority Languages* (ETS No. 148). Strasbourg, 5 November 1992. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=148> [Accessed 16 October 2025]
- [9]. Council of Europe (1995) *Framework Convention for the Protection of National Minorities* (CETS No. 157). Strasbourg, 1 February 1995. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=157> [Accessed 17 October 2025]
- [10]. European Parliament (2018) *Resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States (2017/2937(RSP))*. Official Journal of the European Union, C 463, pp. 21–25
- [11]. European Union (2000a) *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Official Journal of the European Union, L 180, pp. 22–26
- [12]. European Union (2000b) *Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*. Official Journal of the European Union, L 303, pp. 16–22
- [13]. Romania (2023a) *Law No. 198/2023 on Pre-University Education*. Official Gazette of Romania, Part I, No. 613, 5 July 2023