

From Designing to Implementing Language Policies. A Case Study about the Hungarian Language in Romania

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Introduction

I would like to begin my paper with a quotation from Anderson; he underlined that “nation was conceived in language and not in blood”.¹ Another argument, contrary to this line of reasoning says that the use of certain languages has only a practical value, languages being pure means of communication.² However, I believe that history and contemporary happenings permanently prove that languages are definitely more than pure means of communication. Moreover, as Karl Deutsch expressed it very creatively, they work as a *social glue*, they define the members and borders of a community.³

But *unfortunately*, the idea of the Westphalian state was not realized and it strongly seems that it will never be realized. Thus, linguistic variety dominates the whole world; in 2000 there were 200 states with more than 6,000 languages.⁴ This linguistic diversity is useful and valuable if we look at it from the perspective of language ecology and if we consider that every language is the spine of a specific and unique culture. But it might cause difficulties for the state in communicating with its citizens, in treating them all in an equal manner (in a liberal paradigm and liberal state as Romania is) and in defining the character of the state itself.

The Scene of my Study: Romania

The Constitution of Romania defines the state as a nation state (“Romania is a national, sovereign, independent, unitary and indivisible state” 1st Article).

- 1 BRUBAKER, Rogers – FEISCHMIDT, Margit – FOX, Jon – GRANCEA, Liliana (2006): *Nationalist Politics and Everyday Ethnicity in a Transylvanian Town*. Princeton–Oxford, Princeton University Press. 42.
- 2 LAGERSPETZ, Erik (1998): On Language Rights. *Ethical Theory and Moral Practice*, Vol. 1, No. 2. 188. Available: www.jstor.org/stable/27504027 (Downloaded: 13.03.2009.)
- 3 WRIGHT, Sue (2000): *Community and Communication. The role of language in nation state building and European integration*. Multilingual Matters 114, Series Editor John Edwards, Multilingual Matters LTD, Cleveland–Buffalo–Toronto–Sydney. 64.
- 4 PATTEN, Alan (2003): Liberal Neutrality and Language Policy. *Philosophy and Public Affairs*, Vol. 31, No. 4. 365. Available: www.jstor.org/stable/3557955 (Downloaded: 22.03.2009.)

However, on the territory of the country there are 19 national minority groups (Albanians, Armenians, Bulgarians, Croats, Greeks, Germans, Italians, Hungarians, Poles, Roma, Serbs, Slovaks, Tatars, Turks, Ukrainians, Macedonians and Ruthenians). Hungarians form the largest minority in the country (and the second largest minority in Europe after the Catalans in Spain), making up 6,7% of the population of Romania (19,043,767) according to the Official Census Data from 2011. Romanian is spoken as a first language by almost 91% of the population, with Hungarian and Roma, being the most important minority languages, spoken by 6.7% and 1.3% of the population.

Partly for this reason and partly as the result of personal interest and affiliation, I will focus in this paper mainly on the case of the Hungarian language. Hungarians form a territorial minority and are mainly concentrated in Transylvania, a historical but also geographic region that is located in the central part of the country. Consequently, the Hungarian language in Romania is a *territorial language* which is used mainly in Transylvania and even within Transylvania in a differentiated manner; predominantly in Harghita/Hargita, Covasna/Kovászna, Mureș/Maros, Satu Mare/Szatmár, Bihor/Bihar, Cluj/Kolozs and Zalău/Zilah counties.

As Chomsky argues, “questions of language are always questions of power”. Winreich sharpens the idea and affirms that: “[a] language is a dialect with an army and navy.”⁵ A very salient idea is expressed by Csergő: she dismisses the myth of the *irrational* attraction of the minorities (national, indigenous) toward their languages. She says that majorities have the same relation toward their languages as the minorities have (we can label it rational or irrational, it does not matter). The only difference is that the relation of majorities toward their *own* languages is not manifest because their right to practice it is not constrained or endangered, on the contrary, it is guaranteed.⁶

In the liberal approach, individuals are in the center of the society and accordingly, special minority language rights contradict the basic idea of liberal ethos: all individuals are equal and deserve equal treatment from the state. In this frame the state offers an identity for its citizens (citizenship itself) and within it, every other identity becomes a private matter. Everybody is allowed to use the language that one wants but: does the state have any obligation in this respect?⁷ Regarding liberal politics (“normative call for equality and inclusion”), scholars have proved that it acts toward minorities in illiberal ways, and in fact, neutral politics toward language use always favours the language of the majority. It serves to legitimize “the collective territorial and cultural interests of national majorities.”⁸ Kymlicka highlights, that instead of “difference-blind institutions” states should cultivate the “politics of differentiation” and the “politics of recognition.”⁹

5 CSERGŐ, Zsuzsa (2007): *Talk of the Nation. Language Conflict in Romania and Slovakia*. Ithaca–London, Cornell University Press.

6 Ibid. 15.

7 VÍZI, Balázs (2004): Az Európai integráció és a kisebbségi nyelvek. [European Integration and Minority Languages.] *Kisebbségkutatás*, Vol. 13, No. 1. 14.

8 CSERGŐ (2007): *op. cit.* 16.

9 Ibid.

In Csergő's estimation and typology, in multilingual societies, the state of languages can be classified as official language orderings and can be the following: language dominance, language predominance and language parity.¹⁰ In case of language dominance there is one official language which can be used and which needs to be used in all levels and in every domain. Language parity means that the two (or more) languages are recognized in the same manner, in all public places and governmental institutions at all levels. Language predominance allows the limited use of different languages in respective public institutions and places, but still "speakers of the dominant language can function without restrictions in all public institutions and places in all localities of the state, while speakers of other languages are expected to learn the language of the dominant group in order to function fully in the same settings".¹¹ Language predominance is accommodated and practiced in Romania. The official language of the country is Romanian, while in certain areas of the country Hungarian has gained co-official status since 2001. These regions are settlements where the proportion of Hungarian inhabitants is more than 20% of the population. In these places there is official bilingualism, thus the use of both Hungarian and Romanian languages in official places are allowed and both languages are present theoretically on public signs. One is also allowed to address officials in public institutions in Hungarian and is allowed (but not guaranteed) to receive oral and written answer for the request also in Hungarian.¹²

European Perspective, International Regulations

To put it in an international context, Romania asked for the opinion of the European Commission in 1997 in terms of the country's accession to the EU. An important criteria of the accession was the Copenhagen political criteria. According to that, Romania had to prove the stability of its institutions guaranteeing democracy, human rights and minority protection (civil and political rights, economic rights, social and cultural rights for the minorities minorities).¹³ As it appears in the Opinion: "The European Council in Copenhagen decided on a number of 'political' criteria for accession to be met by the candidate countries in central and eastern Europe. These countries must have achieved 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities'".¹⁴ The Opinion praises

10 Ibid. 117.

11 Ibid. 118.

12 Hotărâre nr. 1.206 din 27 noiembrie 2001 cuprinse in Legea administrației publice locale nr. 215/2001. Emitent: Guvernul. Publicat in Monitorul Oficial nr. 781 din 7 decembrie 2001. [Decision nr. 1,206 from 27 November 2001 regarding the Law of local public administration nr. 215/2001, issued by the Government. Published in the Official Journal of Romania nr. 781 from 7 December 2001.] Available: www.dri.gov.ro/documents/hg%201206.pdf (Downloaded: 25.01.2009.)

13 Agenda 2000 – Commission Opinion on Romania's Application for Membership of the European Union. DOC/97/18 Brussels, 15th July 1997. 75. Available: www.esiweb.org/pdf/romania_EC-Romania%20opinion-1997.pdf (Downloaded: 15.06.2017.)

14 Ibid. 17.

the fact that Romania has ratified the Council of Europe's Framework Agreement on Minorities and has also signed a bilateral treaty with Hungary in 1996. It is important though that Romania has expressed very clearly that it will not under any circumstance provide collective rights to the minorities.

In spite of the rather unfavourable Opinion, in 1998 the Commission already issued a rather positive than negative report about the country "Developments confirm that Romania fulfils the Copenhagen political criteria. Continued efforts have been made to respect and protect the rights of the Hungarian minority and to carry through reforms [...]"¹⁵ The report states that the conditions related to the use of minority languages, especially the Hungarian one, have considerably improved. However, as Sasse puts it, "minority rights have been a paradoxical issue during the EU's eastward enlargement. While 'the respect for and protection of national minorities' was enshrined in the first Copenhagen criterion and is often singled out as a prime example of the EU's positive stabilising impact in CEE, the EU has in fact promoted norms which lack a foundation in EU law and remain controversial in the Member States".¹⁶

Some scholars think that there was a need for fulfilling the minority needs in a spectacular way, without taking on too many obligations. This is why a few documents related to minority protection were adopted: *Framework Convention for the Protection of National Minorities* or the *European Charter for Regional or Minority Languages*. Both documents are soft-law documents: in case their content is not respected or not fulfilled, there are no exact legal consequences.¹⁷ The EU does not have currently any legal competence tied to the use of minority languages, even though 55 million from Europe's population (10%) belongs to a minority, speaking one of the regional or minority languages of the EU.¹⁸

In July 1995 Romania signed and in May 2008 ratified the European Charter for Regional or Minority Languages. The Charter promotes the usage of regional or minority languages in public and private life, considering that these languages contribute "to the maintenance and development of Europe's cultural wealth and traditions". The Charter defines as regional or minority languages those languages which are "traditionally used within a given territory of a state by nationals of that

15 Regular Report from the Commission on Romania's progress towards accession (1999). 18. Available: http://discutii.mfinante.ro/static/10/Mfp/control_prev/documente/regular_report1999.pdf (Downloaded: 15.06.2017.)

16 SASSE, Gwendolyn (2006): *Gone with the Wind? Minority Rights in Central and Eastern Europe before and after EU Enlargement*. Draft Paper, Workshop 'Ethnic Mobilization in the New Europe', Brussels. 17. Available: www.researchgate.net/profile/Gwendolyn_Sasse/publication/228461902_Gone_with_the_Wind_Minority_Rights_in_Central_and_Eastern_Europe_before_and_after_EU_enlargement/links/0c96053ac1746e798a000000.pdf (Downloaded: 15.06.2017.)

17 NAGY Noémi (s. a.): Kettős mérce az Európai Unió kisebbségvédelmi politikájában. [Double standards in the minority protection policy of the EU.] 19. Available: www.nytud.hu/oszt/tobbnyelvuseg/nagyn/publ/kettos_merce.pdf (Downloaded: 15.06.2017.)

18 Ibid. 12.

state who form a group numerically smaller than the rest of the state's population".¹⁹ These languages are different from the official languages of the state. In Romania the only official language of the state is Romanian,²⁰ thus Hungarian is a regional or minority language.

From all the reports and shadow reports which were written concerning the implementation of the Charta in Romania, I will use the ones written in 2016 by the DAHR (Democratic Association of Hungarians in Romania) – Mikó Imre Minority Rights Legal Services Assistance and the one written by the Hungarian National Council of Transylvania (HNCT) and the Szekler National Council (SZNC).

The report put together by the DAHR – Mikó Imre Minority Rights Legal Services Assistance sums up the following. The content of the Charta is often interpreted as a restrictive measure by local authorities and they rather prohibit everything which is not stated explicitly in the Charta. Often authorities turn to the jurisdiction in order to be able to prohibit or limit the usage of the Hungarian language. In 2011 Romania has accepted an education law which states that certain universities labelled and listed as being multicultural have an obligation to have separate Hungarian faculties. The University of Medicine and Pharmacy of Târgu Mureş/Marosvásárhely is the example which shows that this has not been realised yet and there is no real political will to sort out this issue. The president of the DAHR, Kelemen Hunor stated: "In Romanian there is no state funding tied to the use of the minority languages and there is no elaborated set of sanctions either: this leaves room for the anti-minority attitude of the authorities which do not protect but they themselves contravene the minority language rights." A recent example is the newest (31 May 2017) event in Târgu Mureş/Marosvásárhely. Bilingual inscriptions with the names of the streets were being removed by government authorities. The politician in question who has ordered this action stated that "I do not have any problem with anybody but there is no legal basis for these bilingual inscriptions. The law (*as regards bilingual inscriptions*) refers only to the name of the settlement and to different institutions but does not cover the street names as well".²¹

The report written by the HNCT and the SZNC reached a similar conclusion sustained with case studies, analyses and statistics. Also, as their legal analysis showed, "the usage of minority language documents and evidence is blocked, as according to the law, documents and evidence produced in a minority language are not accepted in court, only if certified translation is annexed, which means addition expenses in every case for the claimant".²²

19 European Charter for Regional or Minority Languages Strasbourg (1992): Article 1.a. Available: <https://rm.coe.int/1680695175> (Downloaded: 15.06.2017.)

20 Constitution of Romania (s. a.): Art. 13. Available: www.cdep.ro/pls/dic/site.page?den=act2_1&par1=1#t1c0s0a1 (Downloaded: 15.06.2017.)

21 Transindex (2017). Available: <http://itthon.transindex.ro/?hir=47477> (Downloaded: 15.06.2017.)

22 Hungarian National Council of Transylvania and the Szekler National Council (2016): *Shadow Report to the Second Periodical Report Presented to the Secretary General of the Council of Europe on the Implementation of the European Charter for Regional or Minority Languages in Romania.*

We can state thus that the *politics of differentiation* and the *politics of recognition* is not a reality in contemporary Romania. Theoretically, the set of language policies in place, adopted by Romania when signing and ratifying the Charta seem to be fair policies which would help people belonging to minority population in feeling their full citizen status and in surmounting linguistic obstacles and discriminations. Practically, the set of law regarding official bilingualism is far from being realised on local levels. And I believe that this is a crucial aspect of the language policies (and other policies too, naturally), how they are implemented or how they are lost between central and local governments.

LL – Linguistic Landscape Analysis in Târgu Mureş/Marosvásárhely

The discrepancy between policy design and its implementation is mirrored through the linguistic landscape of a Transylvanian town, as well. The name of the town is Târgu Mureş/Marosvásárhely. The town is situated in the central part of Transylvania and is inhabited by Hungarian and Romanian people almost in equal percentages: Romanian 50%, Hungarian 47%, Roma 2%, others 1%.²³ I decided to analyse the linguistic landscape (LL) of this city in order to see how the administration-law is implemented with regards to cases when the percentage of a certain minority is above 20% (then according to the law the minority language in case needs to be considered as co-official language – case of language parity). When speaking about LL, I do it in the understanding of Eliezer Ben-Rafael and Elana Shohamy, referring to public signs, linguistic objectives that define and form the public sphere of a given administrative entity, town, in our case. However, I have limited my analysis only to LL of inscriptions that belong to the supremacy/control of local and central public institutions and administration. I have made 42 photographs and I can state that the inscriptions placed on public signs are predominantly monolingual, only 6 out of 42 signs are bilingual. While local authorities tend to have bilingual inscriptions, representatives of central bodies have monolingual Romanian inscriptions only.²⁴ And this happens in a city where not only 20% but almost half of the population belongs to the Hungarian minority group.

Cluj Napoca/Kolozsvár. 18. Available: http://emnt.org/archivum/admin/data/file/20170119/hnct-sznc_shadow-report_language_charter-execut.pdf (Downloaded: 15.06.2017.)

23 Official Census Data (2002). Available: www.insse.ro/cms/files/RPL2002INS/vol11/tabele/t20.pdf (Downloaded: 25.01.2009.)

24 BENŐ Attila – PÉNTÉK János (2003): *Nyelvi jogok Romániában*. [Language Rights in Romania.] In SZARKA László – NÁDOR Orsolya eds.: *Nyelvi jogok, kisebbségek, nyelvpolitika Kelet-Közép Európában*. [Language Rights, Minorities, Language Policy in Central-Eastern Europe.] Budapest, Akadémiai Kiadó. 123–148.

Some monolingual Romanian public signs:



*Picture 1: One way street
(Source: Made by the author.)*



*Picture 2: Romanian National Bank
(Source: Made by the author.)*



*Picture 3: The Cult of Heroes, Mureș County Association. National Association of War Veterans, Mureș. Ministry of National Defence, Military Circle
(Source: Made by the author.)*



*Picture 4: Community Police Force, Târgu Mureș
(Source: Made by the author.)*



*Picture 5: Chamber of Commerce, Mureș
(Source: Made by the author.)*



*Picture 6: County Council, Mureș
(Source: Made by the author.)*

Bilingual public signs are much rare to be found in Târgu Mureș/Marosvásárhely:



*Picture 7: Post office
(Source: Made by the author.)*



*Picture 8: Marriage Room
(Source: Made by the author.)*



*Picture 9: Mayor's Office
(Source: Made by the author.)*



Picture 10: *The Palace of Culture*
(Source: Made by the author.)

Regarding the use of the Hungarian language in public institutions, there still exists a fear in the Hungarian people. Many think that they will be discriminated, their problem will not be solved, or will not be solved as quickly, as if they addressed the civil servants in Romanian.

Analysing the measures oriented toward languages, Mühlhäusler argues that we can distinguish three types of language policies: the “let them die”, “*laissez faire*” and “languages need to be maintained” approach. The basis of the first type of argumentation is that the struggle of a state in preserving a language is useless, because languages have their own ecologies.²⁵ However, languages are “recorded in the mind of God.”²⁶ The “*laissez faire*” approach gives enough space for languages to compete with each other, all that the state does in this logic is that it guarantees a fair competing context for them. Representatives of this type of policy believe that in order to maintain a language, one – or the state needs to preserve its *oikos*, which is not necessary something natural and right. In my opinion Romania is practicing this type of language policy. The third approach (*languages need to be maintained*) is devoted to the importance of the idea of cultural survivals and I believe, that this policy orientation should be practiced in a country that recognizes cultural diversity as a value.

There is a consensus among many scholars and political actors that many linguistic and cultural minorities will not survive “let alone achieve relative equality without

25 MÜHLHÄUSLER, Peter (1992): Preserving Languages or Language Ecologies? A Top-down Approach to Language Survival. *Oceanic Linguistics*, Vol. 31, No. 2. 163. Available: www.jstor.org/stable/3623012 (Downloaded: 13.03.2009.)

26 Ibid. 171.

special assistance”.²⁷ Moreover, “the right to maintain and develop a cultural identity is in principle a universal right”.²⁸ Everything written before refers only to national minorities and indigenous groups that were already on the territory of the state at the moment of its formation. Politicians, as well as scholars, have a different perspective when speaking about immigrant groups, i.e. *newcomers*. The generally accepted assumption is that migrants go to a certain country of their own free will, so they need to interiorize the culture, lifestyle and habit of that certain country, and need to give up their pretensions regarding the preservation of their own culture. Yet, this assumption is not necessarily realistic when we think of forced migration, let alone structurally forced migration, when staying in one country is not a real alternative – because of poverty, lack of work places, natural disasters or other reasons.

In Hornberger’s estimation language policy and the language of education serve as a “vehicle for promoting the utility of a certain language and promoting the rights of the speakers to participate in state/global communities in their own terms but at the same time a vehicle for promoting a certain identity, culture too, that can be different from the one that is declared by the state as official”.²⁹ This is why even EU member states “are more willing to give up their sovereignty over economic policies than over minority policies and policies of cultural reproduction (language and educational policies)”.³⁰

Conclusion

We have seen the situation of minority languages, namely the situation of the Hungarian language in Romania. Official bilingualism exists in regions where the percentage of a certain minority is more than 20% of the population. However, this remains very often only an official discourse and not the reality. There is a strong discrepancy between the policy level and implementation of these policies. We have seen this through the example of the shadow reports concerning the European Charter for Regional or Minority Languages and also through the example of the LL in the multi-ethnic Transylvanian town, Târgu Mureş/Marosvásárhely. The town is composed almost in an equal proportion by Romanian and Hungarian people, and in spite of this, bilingual inscriptions in the town are very scarce and Hungarian language is very rarely used in official contexts. All in all, Romania still has to progress toward language parity in these multi-ethnic, or preponderantly Hungarian-inhabited regions. Moreover, we cannot treat the issue of the minority languages a solved problem as if it would not need more attention.

27 KELLER, Perry (1998): Re-Thinking Ethnic and Cultural Rights in Europe. *Oxford Journal of Legal Studies*, Vol. 18, No. 1. 35. Available: www.jstor.org/stable/764721 (Downloaded: 22.03.2009.)

28 Ibid.

29 HORNBERGER, Nancy H. (1998): Language Policy, Language Education, Language Rights: Indigenous, Immigrant, and International Perspectives. *Language in Society*, Vol. 27, No. 4. 441. Available: www.jstor.org/stable/4168870 (Downloaded: 13.03.2009.)

30 CSERGŐ (2007): *op. cit.* 11.

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