

GOVERNMENT DECREE NO.17 ON THE CREATION, ORGANISATION AND FUNCTIONING OF THE DEPARTMENT FOR THE PROTECTION OF NATIONAL MINORITIES

Decree of 31 January 1997, as amended by Government Decree No. 506 of 12 September 1997

Article 1

- (1) The Department for the Protection of National Minorities shall be set up within the framework of the machinery of the Government of Romania and subordinate to the Prime Minister.
- (2) The Department shall be co-ordinated by the Minister delegated by the Prime Minister for national minorities, who has the status of a member of the Government.

Article 2

The Department for the Protection of National Minorities shall carry out the following tasks: it shall

- (a) make proposals for the drafting of certain Bills and other legislative measures within its sphere of activity;
- (b) provide its opinion on bills and other legislative measures relating to the rights and duties of persons belonging to national minorities, with the recommendation of the Council for National Minorities;
- (c) monitor the application of national and international legislative measures concerning the protection of national minorities;
- (d) on a proposal from the Council of National minorities, grant financial assistance to organisations of citizens belonging to national minorities by adopting decrees in accordance with Law No. 72/1996 on public finance and with the annual budget laws;
- (e) liaise with the Council for National Minorities as regards the powers of the Department;
- (f) ensure that the statutory provisions on the protection of national minorities are implemented uniformly by local authorities;
- (g) request the public authorities to provide it with the necessary data and information to carry out its own activities;
- (h) accept and examine claims and applications from institutions, organisations and natural persons concerning the acts of the organs of the public administration which do not observe the rights of persons belonging to national minorities and inform them of the legal position;
- (i) establish and maintain relations with government organisations in Romania or abroad and with international organisations empowered to resolve problems associated with the protection of the rights of persons belonging to national minorities;
- (j) promote and organise programmes for the preservation, expression and development of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities;
- (k) maintain permanent relations with and collaborate with the authorities of the public local administration, by means of agents with territorial powers, appointed by order of the Minister for National Minorities, delegated by the Prime Minister, in order to identify specific problems and ensure that they are resolved;
- (l) assist scientific research in the inter-ethnic sphere by maintaining contact with persons in that sphere;
- (m) have other powers established by the Government or duties outlined by the Prime Minister.

Article 3

The organisational structure of the Department for the Protection of National Minorities is indicated in the annex, which is integral part of the present decree.

Article 4

In pursuing the powers of the Department for the Protection of National Minorities, the Minister delegated by the Prime Minister for national minorities issues orders and instructions.

Article 5

The maximum number of positions approved for the Department for the Protection of National Minorities in order to carry out its activity is 46, except for the officials.

Article 6

The budget of the General Secretariat of the Government is supplemented with the necessary sums for the functioning of the Department for the Protection of National Minorities.

Article 7

The prefects and ½ offices shall provide the necessary spaces for the authorized persons of the Department for the Protection of National Minorities so that they could complete their activities in the territory, and they shall bear the material, maintenance and communication expenses from their budgets.

Article 8

(1) Within the Department for the Protection of National Minorities there shall be constituted a National Office for Roma responsible for maintaining and establishing relations with organisations of Roma in order to resolve their specific problems and assist their social integration.

Article 9

(1) Within the Department for the Protection of National Minorities there shall function, as a consultative body, the Council for National Minorities.

(2) The Council for National Minorities shall be composed of three representatives of each organisation of citizens belonging to national minorities, members of the Council of National Minorities, provided that it is represented in the Parliament of Romania. Organisations of citizens belonging to national minorities formed before the date of the general elections of 27 September 1992 which, despite being the sole representatives of those minorities, did not participate in the elections or participated but failed to win the number of votes entitling them to a seat may also be members of the Council for National Minorities.

Article 10

The powers of the Council for National Minorities are as follows:

- (a) maintaining the activity of organisations belonging to national minorities;
- (b) maintaining contacts with the representatives of the Department for the Protection of National Minorities;
- (c) proposing, for approval by the Minister for National Minorities appointed by the Prime Minister, the allocation of funds awarded from the State budget for organisations for citizens belonging to national minorities;
- (d) informing the Department of the problems discussed in the Council;
- (e) making proposals for the drafting of certain Bills and Government decisions within its remit;

- (f) accepting, examining and proposing to the Department in order to receive the opinion of its specialist committees, Bills and other draft legislative measures with an impact on the rights and duties of persons belonging to national minorities;
- (g) submitting proposals to the Department regarding the adoption of administrative measures to find the most effective solutions, in accordance with the law, for the problems within its competence;
- (h) establishing and maintaining relations with non-governmental organisations in Romania and abroad.

Article 11

Within 10 days from the date of coming into force of the present decree, the Minister delegated by the Prime Minister for national minorities shall initiate consultations with the organisations of citizens belonging to national minorities in order to name their representatives in the council.

Article 12

The Council for National Minorities holds its meetings in plenary sessions or in working committees in collaboration with the representatives of the Department for the Protection of National Minorities, in accordance with the functioning rules, which shall be elaborated within 30 days from the date of coming into force of the present decree.

Article 13

The delegated Minister by the Prime Minister for national minorities maintains permanent contacts with the representatives of the organisations of citizens belonging to national minorities in the Romanian Parliament.

Source: Unofficial Translation

