

European Charter for Regional and Minority Languages and local/ regional governments

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ECRML

- **CETS 148**
- **Opened for signature 5 November 1992**
- **25 Contracting States**
- **i.a. Romania: ratification 29 January 2008, in force 1 May 2008**
- **Younger than Charter for Local and Regional Authorities**
- **Older than Framework Convention**

Goal ECRML

- **To protect and promote historical regional and minority languages in Europe**
- **Predecessor to the current Congress of Local and Regional Authorities, the Standing Conference of Local and Regional Authorities of Europe was involved in preparation because involvement of local and regional government is essential**
- **Charter only applies to languages traditionally used by the nationals of the State Parties (thus excluding languages used by recent immigrants from other states)**

Structure of the ECRML

- **Two levels of protection**
- **Part II: basic protection**
- **Part III: advanced protection**

- **Application of Charter is monitored by COMEX ECRML of CoE**
- **All three years periodical report Member State followed by on the spot visit by delegation of COMEX**
- **Report of COMEX is discussed in plenary session**
- **After reaction MS discussion and adoption recommendations by Committee of Member States**

Romania and ECRML

- **Bound since 2008**
- **First report in 2012**
- **Second report in 2016, followed by OSV**
- **Discussion about report and recommendations in June 2017**
- **Reaction government Romania Autumn 2017**
- **Discussion in Committee of Ministers 7 February 2018 and 4 April 2018 → adoption of recommendations**
- **Followed by publication Report COMEX and reaction Romania**

Part II protection

- **A) Recognition of regional or minority languages as an expression of cultural wealth** OK
- **B) Respect for the geographical area of each regional or minority language.** Can be improved
- **C) The need for resolute action to promote such languages.** Can be improved
- **D) The facilitation and/or encouragement of the use of such languages, in speech and writing, in public and private life.** Can be improved
- **E) Maintenance of ties with other speakers.** OK
- **F) The provision of appropriate forms and means for the teaching and study of such languages at all appropriate stages.** Can be improved

Part II protection

- **G) learning facilities for adult non-speakers. OK**
- **H) study and research at universities. OK**
- **I) The promotion of relevant transnational exchanges with speakers abroad. Can be improved**
- **2) The prohibition of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger its maintenance or development. OK**
- **3) The promotion by states of mutual understanding between all the country's linguistic groups. OK**
- **4) Body for advising authorities including speakers. OK**

Part III protection

- Applies for i.a. Hungarian in Romania
- Choice of menu card of Art. 8 – 14
- Minimum of 35 undertakings

Main issues of the menu card of Part III

- Art. 8 **Education**
- Art. 9 **Judicial authorities**
- Art. 10 ***Administrative authorities and public services***
- Art. 11 **Media**
- Art. 12 **Cultural activities and facilities**
- Art. 13 **Economic and social life**
- Art. 14 **Transfrontier exchanges**

System of choosing undertakings of the menucard

- **States must select at least thirty-five of the undertakings in respect of each Part III language next to the basic protection of Part II (art. 7)**
- **Many provisions in part III contain several options, of varying degrees of stringency, one of which has to be chosen “according to the situation of each language”**
- **If a State took a strong and a lighter obligation in the same category the COMEX only will assess the stronger obligation, which also covers also the lighter one**

Relevant for communication with and in local and regional authorities: art. 10

- Par. 1 Within the administrative districts of the State ***in which the number of residents who are users of regional or minority languages justifies the measures*** specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:
- Romania took many obligations of art. 10
- General problem is the threshold of 20% speakers in a administrative district → Committee of Ministers CoE recommends to modify this

Communication with administrative authorities of the State: art. 10 par. 1

- a i to ensure that the administrative authorities use the regional or minority languages; **n.a. for Hungarian in Romania**
- ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; *has to be improved*
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; **already covered by ii**
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; **already covered by ii**
- v to ensure that users of regional or minority languages may validly submit a document in these languages; **already covered by ii**
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Communication with administrative authorities of the State: art. 10 par. 1

- **b** to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions; *has to be improved*
- **c** to allow the administrative authorities to draft documents in a regional or minority language. OK

Communication with and in local and regional authorities: art. 10 par. 2

- 2 In respect of the **local and regional authorities** *on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures* specified below, the Parties undertake to allow and/or encourage:
 - {Problem: 20 % threshold!)
 - a the use of regional or minority languages within the framework of the regional or local authority; **n.a. for Hungarian in Romania**
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Communication with and in local and regional authorities: art. 10 par. 2

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages; **can be improved**
- c the publication by regional authorities of their official documents also in the relevant regional or minority languages; **no conclusion/ no information**
- d the publication by local authorities of their official documents also in the relevant regional or minority languages; **can be improved**
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Communication with and in local and regional authorities: art. 10 par. 2

- ^e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State; **OK**
- ^f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State; **OK**
- ^g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages. **Can be improved**

Communication with regard to public services: art. 10 par. 3

- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:
 - a to ensure that the regional or minority languages are used in the provision of the service; **not fulfilled**
 - b to allow users of regional or minority languages to submit a request and receive a reply in these languages; **= covered by a)**
 - c to allow users of regional or minority languages to submit a request in these languages. **= covered by a)**

Various provisions: art. 10 par. 4 and 5

- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:
 - a translation or interpretation as may be required; *not applicable for Hungarian in Romania*
 - **b recruitment and, where necessary, training of the officials and other public service employees required; can be improved**
 - c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used. *Not applicable*
- **5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned. OK**