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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN ROMANIA

1st monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Romania**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15, paragraph 1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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A. Report of the Committee of Experts on the application of the Charter in Romania

Chapter 1 – Background information

1.1. The Charter's ratification by Romania

1. Romania signed the European Charter for Regional or Minority Languages (hereafter referred to as "the Charter") on 17 July 1995. The instrument of ratification was deposited with the Council of Europe on 29 January 2008. The Charter entered into force in Romania on 1 May 2008.

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The initial periodical report by Romania, which was due on 1 May 2009, was submitted to the Secretary General of the Council of Europe on 26 October 2010. It has also been made public by the Romanian authorities.

3. The Committee of Experts wishes to express its gratitude to the Romanian authorities for the transparent and inclusive approach they have adopted when preparing ratification of the Charter. The Romanian authorities have consulted the minority associations with regard to the instrument of ratification and have kept the Council of Europe informed about the progress. At the time of ratification, several events were organised, with the participation of the Council of Europe, to raise awareness among minority associations of the Charter. The Romanian authorities have also printed and distributed information material about the treaty. The Committee of Experts also notes that the minority associations have been invited to contribute to the drafting of the periodical report which it considers best practice. In addition, the co-operation with the authorities and minority associations during the on-the-spot visit was exemplary.

1.2. The work of the Committee of Experts

4. This initial evaluation report is based on the information obtained by the Committee of Experts from the initial periodical report of Romania and through interviews held with representatives of the speakers of all 20 minority languages, as well as the Romanian authorities during the on-the-spot visit, which took place from 14 to 17 March 2011. In January 2011, the Committee of Experts received a shadow report from the association "Civic Engagement Movement" which is legally established in Romania as required in Article 16 paragraph 2 of the Charter. This shadow report deals with the application of the Charter regarding the Hungarian language in the area of Târgu Mureş/ Marosvásárhely/Neumarkt.

5. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any later developments will be taken into account in the next report of the Committee of Experts concerning Romania.

6. This report was adopted by the Committee of Experts on 30 November 2011.

1.3. Presentation of the regional or minority language situation in Romania

7. Romania applies the Charter to 20 regional or minority languages. Ten languages are covered by Part II only: Albanian, Armenian, Greek, Italian, Macedonian, Polish, Romani, Ruthenian, Tatar, and Yiddish. Furthermore, another ten languages are covered by both Parts II and III: Bulgarian, Croatian, Czech, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.

Albanian

8. The presence of the Albanian language on the territory of present Romania was first certified in a document of 1595. In the census of 2002, Albanian belonged to the group of "other languages". According to the state report, the number of Albanian speakers is estimated at 500. They are concentrated in Constanţa and Bucharest. Albanian is covered by Part II of the Charter.

Armenian

9. The Armenian language has had a traditional presence going back to the migration of Armenians to Moldova, the Romanian Principalities and Transylvania around the 14th century. According to the 2002 census, there are 1 780 Armenians in Romania of whom 694 speak Armenian. The Armenian language is covered by Part II of the Charter.

¹ MIN-LANG (98) 7 Outline periodical reports as adopted by the Committee of Ministers of the Council of Europe on 10 November 1998.

Bulgarian

10. According to the 2002 census, 8 092 persons belong to the Bulgarian minority of whom 6 747 declared the Bulgarian language as their mother tongue. The Bulgarian minority has been compactly settled in the Timiș and Arad counties since the 18th century. In the south of Romania and especially along the Danube, the Bulgarians are dispersed. Bulgarian is covered by Parts II and III of the Charter.

Croatian

11. According to the 2002 census, 6 807 persons belong to the Croat minority of whom 6 304 declared the Croatian language as their mother tongue. The Croat minority is concentrated in the Caraș-Severin and Timiș counties. Croatian is covered by Parts II and III of the Charter.

Czech

12. According to the 2002 census, 3 941 persons belong to the Czech national minority of whom 3 306 have Czech as their mother tongue. The Czech minority has been concentrated in the Counties of Caraș-Severin (Sfânta Elena/Svatá Helena², Gârnic/Gernik, Șumita/Šumice, Ravensca/Ravenska and Bigăr/Biger) and Mehedinți (Eibenthal/Eibentál) since the 19th century. Czech is covered by Parts II and III of the Charter.

German

13. German has had a traditional presence in Romania for more than 850 years. According to the 2002 census, 59 764 persons belong to the German minority of whom 42 014 declared German to be their mother tongue. The German minority comprises several geographical groups: the Transylvanian Saxons, *Landler* (near Sibiu/Hermannstadt), Zipser Germans (northern Transylvania), Sathmar Swabians (Satu Mare), Banat Swabians, *Banater Berglanddeutsche* (Germans of the Banat mountain region in/around Reșița), Bukovina Germans, Dobruja Germans, and urban communities (Bucharest, Iași, Craiova and others). German is covered by Parts II and III of the Charter.

Greek

14. The Greek language has an old traditional presence in Romania. Over the centuries, there have been several waves of Greek immigration, in particular during the Ottoman Empire. Romania was the place where Greeks took refuge from Bulgaria (1913), Asia Minor (1922) or from Greece during the civil war (1943-1949). According to the 2002 census, there are 6 513 Greeks in Romania of whom 3 208 speak Greek. Greek is covered by Part II of the Charter.

Hungarian

15. According to the 2002 census, 1 434 377 persons (6.6% of the total population of Romania) belong to the Hungarian minority, the most numerous minority of the country, and 1 397 906 persons speak Hungarian. The Hungarian minority comprises the group of the Szeklers (583 persons according to the state report) and Csángó (1 370). It represents the majority of the population in the counties of Harghita/Hargita (84.6%) and Covasna/Kovászna (73.8%). Significant proportions of Hungarians also live in the counties of Mureș/Maros (39.3%), Satu Mare/Szatmárnémeti/Sathmar (35.2%), Bihor/Bihar (25.9%) and Sălaj/Szilágy (23.1%). Hungarian is covered by Parts II and III of the Charter.

Italian

16. Emigration from the territory of present-day Italy was substantial during the 17th century and early 19th century, especially in Banat and Transylvania. It continued in the second half of the 19th century until the interwar period in all parts of Romania. In 2002, the census registered 3 288 Italians of whom 2 210 speak Italian. The Italian language is covered by Part II of the Charter.

Macedonian

17. The first documents about the existence of the Macedonian population in Romania date from around 1300. Massive immigration of Macedonians into Romanian territory took place during the 19th and 20th centuries. In the census of 2002, Macedonian belonged to the group of “other languages” so that, according to the state report, the number of Macedonian speakers is estimated at 100–200. Macedonian is covered by Part II of the Charter.

² In line with its practice, the Committee of Experts refers to place-names bilingually or trilingually if the place-name(s) in the respective regional or minority language(s) are in official use, with the Romanian place-name appearing first. In case of trilingual references, the order of the two co-official place-names in the regional or minority languages follows the local practice.

Polish

18. The first distinct Polish community on Romanian territory was established in the late 18th century in Bukovina. The Polish settlement in Bukovina led in time to the emergence of many towns populated mostly by Poles. The number of Poles in Romania dropped dramatically after the Second World War. At present, the villages of Solonețu Nou/Nowy Sołonec, Poiana Micului/Pojana Mikuli and Plesa/Plesza are Polish-speaking. In Romania, according to the 2002 census, 3 671 people belong to the Polish minority of whom 2 604 speak Polish. Polish is covered by Part II of the Charter.

Romani

19. The first documents attesting the Roma minority date from the 14th century. According to the 2002 census, there are 235 346 Romani speakers in Romania. It is evident that large numbers of Roma do not identify themselves as Roma and Romani speakers in censuses. Estimates of the number of Roma range from 1.2 million to 2.5 million.³ Romani is covered by Part II of the Charter as a territorial language.

Russian

20. According to the 2002 census, the Lippovan Russian minority in Romania counts 35 791 individuals, of whom 28 334 declared the Russian language as their mother tongue. The Russian minority is concentrated mainly in Dobruja, but is also present in Moldova and Wallachia. The Lippovan Russians represent the majority of the population in a number of places (for instance in Tulcea county (*Județ*): Sarichioi/Сарикей, Carcaliu/Камень, Jurilovca/Журиловка, Slava Rusă/Русская Слава, Slava Cercheză/Черкезская Слава; in Constanța county: Ghindărești/Новенькое). Russian is covered by Parts II and III of the Charter.

Ruthenian

21. Ruthenian has had a century-old presence on the present territory of Romania. In the 2002 census, Ruthenian belonged to the group of "other languages" so that, according to the state report, the number of Ruthenian speakers is estimated at 100-200. Ruthenian is covered by Part II of the Charter.

Serbian

22. According to the 2002 census, 22 561 persons belong to the Serbian minority of whom 19 948 declared the Serbian language as their mother tongue. The Serbian minority is concentrated in the following counties: Arad, Timiș, Caraș-Severin, and Mehedinți. Serbian is covered by Parts II and III of the Charter.

Slovak

23. Slovak has had a traditional presence in Romania of approximately two centuries. According to the 2002 census, 17 199 persons belong to the Slovak minority of whom 16 108 persons declared Slovak as their mother tongue. The Slovak minority is concentrated in the Arad, Bihor, Sălaj and Timiș counties. Slovak is covered by Parts II and III of the Charter.

Tatar

24. In the 13th century, the first Tatar communities appeared in Dobruja and after the Crimean War a new wave of Tatar immigrants came to Dobruja. In the census of 2002, 23 935 people declared themselves as Tatars. Of these, 21 171 people have stated that their mother tongue is Tatar. Tatar speakers live in the counties of Constanța and Tulcea, and in Bucharest. Tatar is covered by Part II of the Charter.

Turkish

25. According to 2002 census, 32 098 persons belong to the Turkish minority of whom 27 668 speak Turkish. The Turkish minority is concentrated in Dobruja (Constanța and Tulcea counties). Turkish is covered by Parts II and III of the Charter.

Ukrainian

26. According to the 2002 census, 61 098 persons belong to the Ukrainian minority of whom 56 116 declared the Ukrainian language as their mother tongue. Most Ukrainians live in Maramureș, Suceava, Caraș-Severin, Timiș, Tulcea, Arad, Botoșani, and Satu Mare. Ukrainian is covered by Parts II and III of the Charter.

³ See <http://www.coe.int/t/dc/roma>.

Yiddish

27. Yiddish has a century-old presence on the territory of Romania. In 1930, 728 115 persons declared themselves Jewish, of whom about 500 000 spoke Yiddish. Yiddish is spoken in Romania by part of the members of the Jewish community, namely 951 people of the total of 5 785 people that declared themselves of Jewish ethnicity in the 2002 census. According to estimates, there are about 1100 speakers. The Yiddish language is covered by Part II of the Charter.

1.4. General issues arising in the evaluation of the application of the Charter in Romania

1.4.1 Information on the application of the Charter provisions by Romania

28. The Committee of Experts regrets that the initial periodical report was submitted by Romania with a delay of nearly 18 months and that it does not provide comprehensive information on the application of the Charter provisions. The report does not contain any information on the practical application of Articles 9 and 13 of the Charter and only partial information on Article 10. Furthermore, the information provided concerning Articles 8, 11 and 12 is clustered and not assigned to the individual undertakings with the consequence that the information is frequently too general to permit the Committee of Experts to reach a conclusion on the fulfilment of each undertaking. As the absence of comprehensive information severely hampers the efficiency of the monitoring, the Committee of Experts encourages the Romanian authorities to include in their second periodical report concrete practical and, where still required, legal information on the application of all undertakings in respect of each regional or minority language.

29. The absence of information about the implementation of a considerable number of undertakings as well as misunderstandings about the scope of certain undertakings indicate that there exists no structured approach for the application of each of the obligations entered into by Romania under the Charter. During the on-the-spot visit and in light of statements received from representatives of the minority language speakers, it also appears that in some cases the information provided by the State to the responsible local authorities regarding the obligations arising from the Charter is insufficient. The Committee of Experts considers that the Romanian authorities should define concrete steps and a time-frame to implement each undertaking, in co-operation with the associations of the national minorities as well as local authorities.

The Committee of Experts encourages the Romanian authorities to adopt a structured approach for the implementation of each undertaking under the Charter, in co-operation with the representatives of the minority language speakers.

1.4.2 Percentage thresholds hampering the application of Article 10

30. Romanian legislation limits the application of several provisions of Article 10 to municipalities where 20% of the population belong to a national minority. The Committee of Experts observes that this creates problems for the application of the Charter.

31. With regard to oral and written relations by minority-language speakers with the administrative authorities, Article 120.2 of the Constitution states that "[i]n those territorial-administrative units where citizens belonging to national minorities have a significant proportion, it shall be ensured that the national minority language is used in written and oral relations with local government authorities and the decentralized public services, as provided by the organic law." The concept of "significant proportion" of the citizens belonging to national minorities is defined in Article 19 of the Law on Local Government no. 215/2001: "In the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party."

32. Concerning place-names, Articles 4.1 and 11.1 of Government Decision 1206/2001 stipulate that the authorities shall ensure that the place-name in a language used by a national minority constituting more than 20% of the local population is also displayed on the place-name signs at the entry and exit of the place. However, place-names in minority languages are to be used only on such signs and not in the official correspondence or documents of the local authority concerned. Furthermore, place-names other than the names of villages/municipalities (for example names of streets or geographical features) are not covered by the aforementioned provision. Romanian legislation does also not allow counties to use or adopt place-names in a minority language.

33. During the on-the-spot visit, the Committee of Experts was informed that local authorities have the possibility to voluntarily install bi- or multilingual place-name signs if minorities do not reach the 20%-threshold. However, in their replies to the questionnaire submitted to them by the Committee of Experts, the Romanian authorities specified only two examples (concerning German and Hungarian: Braşov/Kronstadt/Brassó and Sibiu/Hermannstadt). The Committee of Experts is hence not in a position to assess how effective this voluntary approach is in general and asks the Romanian authorities to include a complete overview in the next periodical report. In addition, the Committee of Experts asks the authorities to inform about any measures taken by them to promote such voluntary approaches. In general, the Committee of Experts notes that the adoption and use of additional place-names is a relatively simple promotional measure with a nevertheless considerable positive effect for the prestige and public awareness of a regional or minority language.⁴

34. With regard to the use of minority languages in local councils, the Romanian legislation⁵ provides that citizens belonging to national minorities have the right to use their mother tongue in the local or county council meetings if the councillors belonging to the national minority constitute at least one third of their total number. During working meetings, the minority language may be used if the councillors belonging to the national minority represent at least one fifth of the total number. In these cases, interpretation will be provided.

35. With regard to the 20%-percentage threshold in general, the Committee of Experts notes that limiting the application of Article 10 to municipalities where 20% of the population belong to a national minority may amount to a territorial reservation which is not allowed by the Charter. Besides, in light of the Committee of Experts' standing interpretation of the Charter, the 20%-threshold appears in any case too high as it deprives minority languages whose speakers do not attain it in a single municipality, or only in some municipalities, of full protection under Article 10. In fact, speakers of several minority languages are traditionally present, and constitute a relevant number for the purpose of Article 10, in areas other than those where the 20%-threshold is met.

36. With respect to the specific case of local council meetings, the Committee of Experts wishes to emphasise that the application of a threshold of even one third regarding the share of councillors representing a national minority is against the spirit of the Charter as it unduly limits the application of Article 10.2.f.

37. Considering the formal and practical problems created by both thresholds, the Committee of Experts concludes that Article 10 applies also to those local State authorities as well as local authorities (municipalities, counties) where the minority language speakers do not attain the thresholds of one-fifth and one-third respectively, but represent nevertheless a sufficient number of speakers for the purpose of the respective undertakings. The implementation of Article 10 inevitably presupposes that the Romanian authorities reconsider both thresholds.⁶

The Committee of Experts encourages the Romanian authorities to lower the general thresholds in the field of administrative authorities in order to make them compatible with the Charter as well as to encourage local authorities to voluntarily apply the Charter irrespective of thresholds.

1.4.3 Provision of minority-language education

38. Chapter III of the Education Law requires that for minority-language education to be provided, 12 parents or pupils (at primary and lower secondary levels) and 15 students (at upper secondary and vocational levels) must demand it. However, Romania has ratified those options of Article 8.1.a-d which put an obligation on the state party to provide minority-language education without the need for prior demand by parents or students.⁷ The provision of minority-language education on the basis of prior demand is foreseen only by the options contained in Articles 8.1.a.iii, b.iv, c.iv and d.iv.

⁴ See for example 2nd Report of the Committee of Experts on Croatia, ECRML (2005) 3, paragraph 152.

⁵ Article 42.1-2 of the Law on Local Administration no. 215/2001, Articles 3 and 6.1-2 of Government Decision no. 1206/2001.

⁶ See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraphs 592-593.

⁷ Articles 8.1.a.i, a.ii; b.i, b.ii, b.iii; c.i, c.ii, c.iii; d.i, d.ii, d.iii.

39. The set minimum number of pupils may seem too high in the context of minority language education. According to the authorities, classes may be set up also with fewer pupils than the legal minimum number, but this practice is limited to “well grounded cases” requiring the approval by the Ministry of Education according to Law 84/1995. The Committee of Experts is unsure of the practical consequences of this minimum number and asks the Romanian authorities to provide information about this aspect in the next periodical report.

40. In the initial periodical report, the Romanian authorities refer to primary education (grades I-IV), gymnasium education (grades V-VIII) and high school education (grades IX-XII/XIII) or vocational schools after the eighth grade. These levels of education are provided by schools with grades I-IV, schools with grades I-VIII and high schools (grades IX-XII/XII, grades V-XII or grades I-XII) or vocational schools. The Committee of Experts has analysed gymnasium education and high school education under “secondary education”.

Chapter 2 – The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

2.1. Evaluation in respect of Part II of the Charter

Article 7

41. In its evaluation of Part II, the Committee of Experts will deal with Part III languages only with regard to areas that are not covered by the Part III provisions applying to the language concerned.

Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a the recognition of the regional or minority languages as an expression of cultural wealth;

42. In their replies to the questionnaire submitted to them by the Committee of Experts, the Romanian authorities state that ratification of the Charter represents a form of recognition of the regional or minority languages as an expression of cultural wealth. The Committee of Experts notes in this context that the Romanian instrument of ratification also mentions all languages that are covered by Part II only, including those that have very few speakers. Furthermore, the fact that 19 national minorities have each a reserved seat in parliament also represents an indirect form of recognition of the language groups concerned.

b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

43. As far as the languages covered by Part II are concerned, this provision may be of relevance for the **Polish** and **Tatar** languages whose speakers are locally concentrated. However, the Committee of Experts has not been made aware by the representatives of these minorities of any problems relevant under this provision. For the other languages covered by Part II only, this provision is currently not relevant due to the dispersed settlement of their speakers.

44. With regard to languages that are also covered by Part III, the Committee of Experts takes note of the ongoing debate in Romania about a reorganisation of the administrative divisions of the country. One of the proposals under discussion aims at the integration of the counties of Harghita/Hargita (84.6% Hungarian population), Covasna/Kovászna (73.8%) and Mureş/Maros (39.3%) into a larger unit, which would change the current linguistic composition at the expense of the Hungarian speakers. The Committee of Experts encourages the Romanian authorities to ensure that new administrative divisions do not constitute an obstacle to the promotion of Hungarian.

c *the need for resolute action to promote regional or minority languages in order to safeguard them;*

45. Romania has no special law on the promotion of regional or minority languages or the protection of national minorities. The Romanian authorities – with the Department for Interethnic Relations as a co-ordinator – provide financial assistance to the umbrella associations of the national minorities which carry out many promotional activities relevant for the application of the Charter.

Nevertheless, there seems to exist an acute danger that measures taken by the Government in response to the financial crisis may disproportionately affect the promotion of minority languages. In some areas like local administration and health care, the shrinking of resources allocated to the authorities concerned has already diminished their capacity to take care of the needs of minority language speakers.

46. As far as **Romani** is concerned, the Ministry of Culture and National Heritage includes in its structures the National Centre for the Culture of the Roma, with the central objective of preserving and promoting the Roma culture and language. Furthermore, Romania has adopted a Government Strategy for Roma (GD 522/26 of April 2006), which is relevant inter alia for all educational activities concerning the Romani language. The Committee of Experts welcomes this strategy and considers the adoption of a structured policy for the promotion of a regional or minority language as resolute action in conformity with this provision.

47. In 2009, the Romanian parliament adopted the law on the establishment of the **Tatar** Cultural Institute of Romania “Sebat Husein” which aims to promote the culture of the Tatars in Romania. The Committee of Experts welcomes this step.

48. The **Hungarian** minority comprises the group of the Csángó (1 370 people according to the initial periodical report). This group, which has its own Hungarian dialect, is geographically separated from the other Hungarian speakers and lacks a developed infrastructure for the promotion of its culture. The Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about the situation of the language spoken by the Csángó, mainly with regard to education and culture.

d *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

Albanian

49. According to the initial periodical report, the encouragement of the use of Albanian in public life concentrates on the cultural field. The League of Albanians Association runs a bilingual library comprising books that are published by the association’s printing house “Privire” (Veshtrimi). The League of Albanians Association publishes a cultural magazine which addresses the Albanian minority and the majority population.

Armenian

50. According to the initial periodical report, the Romanian authorities provide financial support inter alia to a network of small libraries for the Armenian minority. Furthermore, the Armenian Union of Romania has a publishing house (“Ararat”) and publishes a magazine using Armenian (“Nor Ghiank”, bimonthly, eight pages in Armenian and four pages in Romanian, with a circulation of 1 000 copies). There is also a project to reopen, with state support, the Armenian museum in Gherla. In the media, the local radio station in Constanța broadcasts the 30-minute weekly programme “The Armenian nation and civilization”. It is, however, not clear in which language this programme is broadcast. The Committee of Experts asks the Romanian authorities to clarify this aspect in the next periodical report.

Greek

51. According to the initial periodical report, the Romanian authorities support Greek in public life by providing financial support inter alia to a network of small libraries for the Greek minority, the annual “Festival of Hellenism in Romania”, a theatre group, a choir, and the publication of books about the Greek minority. In the media, the Greek minority has a quarterly magazine “Elpis”, a six-minute weekly show broadcast by public television station TVR3, and a weekly 30-minute broadcast in Greek on Radio Constanța. It is, however, not clear whether the programme on TVR3 uses Greek. The Committee of Experts asks the Romanian authorities to clarify this aspect in the next periodical report. While there are no municipalities where the Greek minority exceeds 20% of the population, Greek speakers may address local authorities in the county of Tulcea orally or in writing in Greek and receive the answer in Romanian and Greek. The

Committee of Experts welcomes the fact that the Romanian authorities support various projects to the benefit of Greek, especially in the media, and that the language can be used in dealings with the authorities.

Italian

52. According to the initial periodical report, the Romanian authorities encourage the use of Italian in public life by providing financial support inter alia to libraries of the Italian minority in Bucharest and Suceava, the bilingual publication "Siamo di nuovo insieme", and books published by the Association of Italians in Romania "RO.AS.IT.". In the broadcast media, Radio Timișoara broadcasts a programme of one hour duration in Italian, but its intervals are unclear. The Committee of Experts asks the Romanian authorities to clarify this aspect in the next periodical report. Although there are no municipalities where the percentage of Italians exceeds 20% of the total population, the Prahova County Police Inspectorate employs six policemen who know Italian and can provide the opportunity for Italian speakers to submit oral or written requests in this language.

Macedonian

53. According to the initial periodical report, the Romanian authorities encourage the use of Macedonian in public life by providing financial support inter alia to four bilingual magazines, bilingual books, audio productions in Macedonian, the Museum of Macedonian culture and folklore, a theatre group, a group of Macedonian poets and writers, and a choir. Besides the general programmes about the national minorities in Romania, there are no programmes broadcast in Macedonian. During the on-the-spot visit, representatives of the Macedonian speakers expressed their satisfaction with the support provided by the Romanian authorities.

Polish

54. According to the initial periodical report, the Union of Poles in Romania publishes, with funding from the state budget, the monthly bilingual publication "Polonus" and a quarterly publication for children in Polish. Furthermore, there are several libraries with books in Polish. Eight places (all in Suceava county) have bilingual place-name signs (Romanian-Polish). The only municipality in Romania where the Polish minority exceeds 20% of the population (Cacica/Kaczyka; 23%) has a Polish speaking employee. However, there are no radio and television programmes broadcast in Polish.

55. The Committee of Experts welcomes the support provided to the Polish language in the cultural field. Given that the Polish minority is compactly settled in Suceava county, the Committee of Experts considers, however, that a certain presence of the Polish language in the local broadcast media represents a realistic option and should be explored with representatives of the speakers. Furthermore, the fact that there is only one Polish speaking person employed by the local authorities in the Polish speaking area does not adequately reflect the fact that the Poles are compactly settled, reaching up to 23% of the local population.

56. The Committee of Experts encourages the Romanian authorities to explore, in co-operation with representatives of the Polish speakers, how the Polish language could be promoted in the fields of the broadcast media, local authorities, and economic and social life in the area where it is used.

Romani

57. According to the initial periodical report, the Romanian Radio Broadcasting Corporation offers programmes in Romani at regional radio stations, for example Radio Reșița (30 minutes weekly), Radio Târgu Mureș (60 minutes weekly) and Radio Timișoara (30 minutes). In 2009, the first show in Romani with subtitles in Romanian was aired on TVR3.

58. In all counties with a significant Roma population, the Romanian police has recruited Romani speakers to ensure the possibility for users of Romani to submit oral or written requests. In some of the counties, Romani is regularly used by the administration. At the Cluj-Napoca and Dolj Regional Councils, Romani speakers are employed to respond to requests made by Roma. The Sibiu/Hermannstadt and Suceava County Councils communicate the agenda of their meetings in Romani. Both councils also publish their decisions in Romani. A considerable number of local authorities have employed staff with a knowledge of Romani who can respond to requests. During the on-the-spot visit, representatives of the Romani speakers expressed their satisfaction with the use of their language in the administrative field.

59. In the field of culture, the Ministry of Culture and National Heritage funded in 2009 a programme for the protection, development and free expression of the Roma cultural identity, called “Roma - Together for Europe”.

60. The Committee of Experts welcomes the fact that the Romanian authorities support a high number of projects to the benefit of Romani, especially in the media, and that the language can be used in dealings with the authorities. Considering the high number of Romani speakers in Romania, the Committee of Experts nevertheless asks the Romanian authorities to submit, in the next periodical report, information on how they promote Romani in economic and social life, and to what extent Romani can be used in practice before judicial authorities.

Ruthenian

61. According to the initial periodical report, the Romanian authorities provide financial support inter alia to a Ruthenian newspaper and magazine as well as books on the history of the Ruthenians in Romania. Furthermore, the Cultural Union of Ruthenians of Romania runs a library.

Tatar

62. According to the initial periodical report, the Romanian authorities provide financial support inter alia to the monthly “Karadeniz” (in Tatar, Turkish and Romanian), the youth magazine “Caş”, and a magazine for women (“Kadinlar Dunyasi”). In co-operation with the Turkish minority, Constanţa “Radio T” broadcasts news in Tatar. There is also a one-hour programme on Radio Constanţa for the Tatars of Constanţa. Furthermore, TVR3 broadcasts a monthly 12-minute show in Tatar. The Tatar language appears to be absent from other fields of public life (judicial authorities, administrative authorities, economic and social life).

63. The Committee of Experts welcomes the fact that the Romanian authorities support several projects to the benefit of Tatar, especially in the media. Considering the relatively high number of Tatar speakers in Romania, the Committee of Experts nevertheless asks the Romanian authorities to provide information, in the next periodical report, on how they promote Tatar in other fields of public life (judicial authorities, administrative authorities, including the use of Tatar place names, economic and social life).

Yiddish

64. According to the initial periodical report, the Romanian authorities provide financial support inter alia to the Jewish State Theatre, research centres, libraries, museums having exhibitions in Yiddish, cultural projects relating to Yiddish, documentaries on Yiddish, and choirs (Yiddish klezmer music). The most important preserver and promoter of Yiddish in Romania is the Jewish State Theatre in Bucharest, one of the few professional Yiddish theatres in Europe. It offers a variety of performances in Yiddish. The main magazine of the Jewish community (“Jewish Reality”), with a circulation of 4 500 copies per week, contains articles in Yiddish. In Bucharest, the Museum of the History of Jews from Romania covers the heritage of Yiddish, and the Federation of Jewish Communities in Romania runs a library possessing thousands of books in Yiddish. The publishing house “Hasefer” publishes translations of classical Yiddish literature. Yiddish is not present in the broadcast media.

65. The Committee of Experts welcomes the strong support provided by the Romanian authorities to the promotion of Yiddish and considers especially the work of the Jewish State Theatre as an example of best practice in minority language promotion in Europe.

Conclusion

66. The Committee of Experts welcomes the fact that the Romanian authorities have enabled, for almost all Part II languages, the creation and running of a basic infrastructure comprising associations, libraries, cultural groups, publishing houses and print media.

- e ***the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;***

67. According to the initial periodical report, the Council of National Minorities in Romania contributes to the maintenance of contacts between the national minorities. As a Government advisory body, the Council is composed of three representatives of the 19 national minority organisations represented in Parliament. Furthermore, the Romanian authorities support the annual festival "ProEtnica" in Sighișoara/Schäßburg, the Minority Theatre Festival, and the National Minorities Day which bring together all national minorities.

f *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

Albanian

68. According to the initial periodical report, Albanian is not taught in schools. The League of Albanians in Romania offers Albanian language lessons.

Armenian

69. According to the initial periodical report, Armenian is used in public pre-school education. Furthermore, Armenian language and history is taught at primary and secondary levels, namely by the Armenian School in Bucharest, the "New Armenian School" in Constanța and Pitești, the "Misakian Kesimian School" in Bucharest (children up to grade 4 and students in grades 5-12), and the Armenian Sunday schools in Bucharest, Constanța and Cluj-Napoca. The latter schools have programmes approved by the Ministry of Education and teach in accordance with the National Curriculum. The teachers are paid from the state budget. However, Armenian is not taught at university level.

70. While welcoming the substantial offer of teaching of Armenian, the Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about how many pupils learn Armenian at the different levels of education and how many hours per week are devoted to teaching Armenian.

Greek

71. According to the initial periodical report, Greek is used in pre-school education in the public education system and at the kindergarten of the Greek Embassy in Bucharest. The Hellenic Union of Romania also organises pre-school education in Greek. At grades 1-4 and 5-12, Greek is taught at schools in Bucharest, Constanța, Brăila, Ploiești and Tulcea in accordance with the national differentiated school curriculum. The teachers are sent to Romania from Greece. Also, a textbook for teaching Greek as a minority language has been published. Regarding higher education, the University of Bucharest offers academic training in Greek and the University of Iași has a lectureship in teaching Greek.

72. While welcoming the comprehensive offer of teaching of Greek, the Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about how many pupils learn Greek at the different levels of education and how many hours per week are devoted to teaching Greek.

Italian

73. According to the initial periodical report, Italian is used in pre-school education in the public education system. Such kindergartens exist in Suceava and Bucharest. At the request of the Italian minority, Italian is taught as a mother tongue at the Dante Alighieri Theoretical High School in Bucharest and can be learned at high schools in Pucioasa and Târgoviște. Italian university studies are inter alia organised at the Universities of Bucharest, Iași, Constanța, Craiova, Timișoara, Cluj-Napoca, at the Conservatories in Bucharest, Brașov/Kronstadt/Brassó, Iași, and at the Academy of Economic Studies in Bucharest.

74. While welcoming the comprehensive offer of teaching of Italian, the Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about how many pupils learn Italian at the different levels of education and how many hours per week are devoted to teaching Italian.

Macedonian

75. According to the initial periodical report, Macedonian has been taught as a mother tongue in the General School "Barbu Ionescu" in Urzicuta (Dolj county) since the 2007-2008 school year. Furthermore, Macedonian can be studied at the Faculty of Foreign Languages at the University of Bucharest. The Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about how many pupils learn Macedonian at the different levels of education and how many hours per week are devoted to teaching Macedonian.

Polish

76. According to the initial periodical report, Polish can be learned from kindergarten to university level. Polish is taught as a mother tongue in Solonețu Nou/Nowy Sołonec, Pleșa/Plesza, Suceava, Cacica/Kaczyka and Moara in close co-operation with the Union of Poles in Romania. Currently, 409 pupils learn Polish (grades 1-12) in twelve schools in Suceava County where five kindergartens also use Polish. In the College "Alexandru cel Bun" in Gura Humorului, Polish is used as a medium of instruction in some subjects in grades 9 and 10. The Committee of Experts welcomes this offer.

Romani

77. According to the initial periodical report, Romani is taught in 41 of the 42 counties of Romania, with a total of 460 Roma teachers. Roma can choose between schools with teaching in Romanian or Hungarian (with 3-4 extra hours per week of Romani and literature and / or the history and traditions of Roma) and education with full teaching in Romani. In 2008, the number of Roma students studying the language, literature, history and traditions of Roma was 26 805. 380 pupils are enrolled in Romani-medium education. Furthermore, bilingual teaching (Romanian-Romani) was introduced in 2005. Since 2000, the National Competition of Romani is organised annually and attended by students from grades seven to twelve. Since 2008, a similar competition concerning the history and traditions of the Roma is also organised. During the on-the-spot visit, representatives of the Romani speakers stated that about 30% of the Roma in Romania are enrolled in schools that teach Romani or teach in Romani. They also confirmed the availability of bilingual textbooks. The Committee of Experts welcomes the provision for the teaching of Romani and appreciates the efforts and activities so far. However, it encourages the Romanian authorities to continue to develop a comprehensive offer of Romani teaching, taking into account the needs and wishes of the speakers of regional and local varieties of Romani.

Ruthenian

78. According to the initial periodical report, Ruthenian is not taught in schools. However, the Cultural Union of Ruthenians of Romania has set up study groups for Ruthenian.

Tatar

79. According to the initial periodical report, pilot groups for the teaching of Tatar as a mother tongue in kindergarten and primary schools were set up in Constanța in the 2008-2009 school year. These groups aimed at testing curricula for the first grade and textbooks. With regard to the training of teachers, the Tatar minority has initiated a partnership with the University of Constanța and the Technical and Pedagogical University of Simferopol (Crimea/Ukraine). The Committee of Experts welcomes this development and encourages the Romanian authorities to support the cultivation/extension of this cross-border co-operation as an important contribution to counteract language loss among Tatar speakers.

80. While welcoming the fact that pilot groups have started to teach Tatar, the Committee of Experts asks the Romanian authorities to inform it, in the next periodical report, about how many pupils currently learn Tatar at the different levels of education and how many hours per week are devoted to teaching Tatar. The Committee of Experts also asks the Romanian authorities to report on further plans for implementing a comprehensive educational model for the teaching of Tatar.

Yiddish

81. According to the initial periodical report, Yiddish is not used in education at undergraduate level. At the University of Iași, the Centre for Jewish History (Faculty of History) offers a master programme for learning Yiddish to facilitate access to literature and historical documents.

Conclusion

82. The Committee of Experts is pleased to note that, apart from Albanian, Ruthenian and Yiddish, all Part II languages are taught in school. As regards the Albanian, Ruthenian and Yiddish languages, the Committee of Experts is of course aware that their number of speakers is low and that the speakers are dispersed. Nevertheless, the Committee of Experts encourages the Romanian authorities to explore, in co-operation with representatives of the speakers, how these languages can be strengthened in education.

g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

83. According to the initial periodical report, the associations of the **Albanian, Armenian, Greek, Italian, Macedonian** and **Tatar** minorities offer regular courses for their languages. Language courses for **Polish** are offered in Bucharest, Bacau, and other cities, and **Yiddish** courses are organised by the centres for Jewish studies at university level. Furthermore, minority language education in public schools is open also for students who do not belong to the minorities concerned.

84. The Committee of Experts has not received any specific information regarding the implementation of this provision for **Romani** and **Ruthenian** and asks the Romanian authorities to submit such information in the next periodical report.

h the promotion of study and research on regional or minority languages at universities or equivalent institutions;

85. According to the initial periodical report, there are teachers and researchers specialised in **Albanian** at the Faculty of Letters of the University of Bucharest. The Armenian Union of Romania arranges joint research projects with universities and institutions in Armenia concerning the **Armenian** culture and language. Various activities are conducted regarding the history and culture of **Greek** at the Department of Classical and Neo-Greek Languages of Bucharest University and the Chair of Neo-Greek Studies at the University of Iași. The Department of **Italian** Language and Literature of the Faculty of Foreign Languages and Literature at the University of Bucharest provides courses in translation and language studies and carries out research on Italian. It has also published numerous books in Italian. Studies and research on **Macedonian** are promoted by the Department of Slavic Languages and Literature at the University of Bucharest. The Department of Slavic Languages and Literature at Bucharest University carries out studies and research on **Polish** literature. **Romani** can inter alia be studied at the Romani Language and Literature Department of the Faculty of Foreign Languages and Literature at the University of Bucharest. The university also runs a teacher training programme for Romani. The department of Turkish language at the University of Constanța and the College “Kemal Atatürk” carry out research on the **Tatar** language and literature. **Yiddish** language courses are offered for historians, philologists and translators at different universities. Also, research is carried out on Jewish culture, civilization and literature, including the Yiddish language.

86. According to the initial periodical report, there is no academic institution dealing with **Ruthenian**. International congresses of linguists specialising in Ruthenian are to some extent used to compensate for this deficiency. However, the Committee of Experts considers that a systematic approach is needed in this field. It therefore encourages the Romanian authorities to explore, in consultation with the representatives of the Ruthenian speakers, whether it is possible to conclude or initiate an agreement on academic co-operation on Ruthenian with relevant institutions in other countries where this language is used (e.g. Serbia, Slovakia).

i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

Albanian

87. According to the initial periodical report, Romania and Albania have concluded agreements which foster contacts between citizens of both countries. It is, however, not clear to the Committee of Experts to what extent these exchanges are relevant for “the fields covered by this Charter”. Furthermore, there are direct contacts of the League of Albanians in Romania with institutions and associations in Albania. The Committee of Experts asks the Romanian authorities to submit more specific information on the implementation of this provision in the next periodical report.

Armenian

88. The Armenian Union of Romania regularly participates in international congresses of the Armenian diaspora. Furthermore, the 2006-2010 co-operation programme in culture, education and science signed by Romania and Armenia has provided for co-operation in the fields of cinema and libraries.

Greek

89. The Hellenic Union of Romania is represented in the World Council of the Greek Diaspora and the World Union of Parliamentarians of Greek origin and co-operates with Greek organisations worldwide. The bilateral co-operation of Romania and Greece covers inter alia scholarships for learning Greek in Greece and university studies.

Italian

90. The Association of Italians in Romania works directly with partners in Italy. The bilingual Dante Alighieri High School participates in exchange programmes with Italy, and Romanian universities with Italian departments as well as cultural institutions co-operate with similar institutions in Italy. In 2009, the Romanian authorities launched the "Programme to promote Romanian and Italian cultural identities and values".

Macedonian

91. The Romanian and Macedonian authorities are implementing a programme on exchanges in the field of minority protection (co-operation of book publishers and editorial boards of cultural journals, publication of translations of literary works, co-operation between libraries, participation in events).

Polish

92. The Union of Poles in Romania is a member of the Union of Polish communities in Europe and the World Council of Poles in the Diaspora and participates in congresses, educational, scientific and cultural programmes. It is, however, not clear to what extent the Romanian authorities contribute to these activities and whether other relevant exchanges take place. The Committee of Experts asks the Romanian authorities to clarify these points in the next periodical report.

Romani

93. The Ministry of Education, Research, Youth and Sports, through its inspectors for Romani, facilitates electronic communication in Romani between Romani speakers in Romania and in other countries. Furthermore, the Romani Language and Literature Department at the University of Bucharest has received since 2007 five Roma students from the Romani language department of the University of Veliko Tarnovo in Bulgaria. Considering the limited scope of these activities, the Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether other relevant exchanges take place.

Ruthenian

94. Transnational exchanges to the benefit of Ruthenian are achieved through the Ruthenian congresses of linguistics held regularly in countries where Ruthenians live. Considering the limited thematic scope of these congresses, the Committee of Experts considers that a more systematic approach is needed in the field of transnational exchanges. It therefore encourages the Romanian authorities to explore, in consultation with the representatives of the Ruthenian speakers, what other appropriate types of transnational exchanges, in the fields covered by this Charter, could be promoted to the benefit of Ruthenian.

Tatar

95. The association of the Tatar minority co-operates with Tatar organisations in Ukraine (Crimea), Turkey, Bulgaria, Cyprus, the Russian Federation (Tatarstan), Macedonia, and Kazakhstan. Representatives of the Tatars in Romania and Crimea have decided to form two working groups in Romania and in Crimea to consider the scientific aspect of language differences and to propose measures for harmonisation. It is, however, not clear to what extent the Romanian authorities contribute to these activities and whether other relevant exchanges take place. The Committee of Experts asks the Romanian authorities to clarify these points in the next periodical report.

Yiddish

96. The Federation of Jewish Communities in Romania maintains links with Jewish communities and organisations abroad and participates in various cultural exchanges. In addition to the tours abroad of the Yiddish State Theatre and choirs, a Yiddish theatre festival was held in Iași in 2008 with the participation of Yiddish theatres from Israel, Russia and France.

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

97. In their replies to the questionnaire submitted to them by the Committee of Experts, the Romanian authorities state that the authorities attempt to prevent any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language through accurate public information about the provisions of the Charter. The Committee of Experts, however, asks the Romanian authorities to report on the legislative set-up guaranteeing non-discrimination.

Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

98. The initial periodical report does not provide any specific information about the implementation of this provision. Mutual understanding seems to be hampered by deficiencies in the teaching of the history and culture of national minorities in mainstream education. In its last Opinion on Romania, the Advisory Committee on the Framework Convention for the Protection of National Minorities “remained concerned about the limited presence in the common school curricula, and in the textbooks and educational material designed for pupils belonging to the majority population, of information regarding the history and culture of the country’s national minorities, even though the Education Act provides for such topics to be covered.”⁸ The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, more information about measures taken in education and in relation to the mass media to promote mutual understanding between all the linguistic groups of the country.

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

99. According to the initial periodical report, the Council of National Minorities in Romania advises the Government on its policy regarding regional or minority languages. It is composed of three representatives each of the 19 national minority organisations represented in Parliament and meets monthly. The Council has specialised committees on education and youth and culture, religious denominations and media and was also involved in the preparation of ratification of the Charter. The Committee of Experts considers that the Council’s work represents best practice from the viewpoint of Article 7.4 of the Charter.

Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania (ACFC/OP/II(2005)007), paragraph 138.

100. In its instrument of ratification, Romania did not designate non-territorial languages. The Committee of Experts nonetheless observes that some of the Part II languages may qualify as non-territorial languages. In its appreciation of the situation of these languages vis-à-vis paragraphs 1-4 of Article 7, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis*.

2.2. Evaluation in respect of Part III of the Charter

2.2.1. Bulgarian

Article 8 – Education

General issues

101. With regard to the Bulgarian language, Romania has ratified Articles 8.1.a.ii, b.ii and c.iii which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Bulgarian accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a ...

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

102. According to the initial periodical report, Bulgarian is used in the kindergartens of Breștea/Бреща (pre-school education in Bulgarian attended by 20 children) and in Dudeștii Vechi/Смара Бешенова (education provided partially in Bulgarian and attended by 40 children). The Committee of Experts welcomes the fact that the provision of pre-school education in Bulgarian in Breștea/Бреща goes even beyond the requirements of the present undertaking (bilingual pre-school education).

103. The Committee of Experts considers this undertaking fulfilled.

b ...

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

104. According to the initial periodical report, Bulgarian is taught as a subject for three to four hours per week in Vinga, Dudeștii Vechi/Смара Бешенова and Breștea/Бреща. The general language of instruction of the respective schools is Romanian. Teaching of Bulgarian is part of the framework curriculum and the school timetable and is attended by a total of 146 pupils.

105. However, the Committee of Experts notes that the present undertaking requires that a substantial part of primary education in the regional or minority language is made available. This implies the provision of bilingual education with the regional or minority language as the language of instruction for several subjects. Teaching Bulgarian only as a subject is not sufficient because this educational model is covered by the less demanding undertaking under Article 8.1.b.iii that Romania has not ratified.

106. In light of the obligation entered into by Romania¹¹, the Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available a substantial part of primary education in Bulgarian.

c ...

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

107. According to the initial periodical report, Bulgarian is taught as a subject for three to four hours per week at the secondary school in Vinga (grades five to eight) and at high schools in Bucharest and Dudeștii Vechi/Смапа Бешенова (grades five to twelve). Teaching of Bulgarian is part of the framework curriculum and the school timetable and is attended by a total of 252 pupils.

108. The Committee of Experts considers this undertaking fulfilled.

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

109. The initial periodical report does not contain any information about the implementation of this provision for Bulgarian. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide information about its implementation in the next periodical report.

e ...

ii to provide facilities for the study of these languages as university and higher education subjects; or

110. According to the initial periodical report, the Bulgarian language and literature can be studied at the Department of Slavonic Languages and Literature of the Faculty of Foreign Languages and Literature of Bucharest University.

111. The Committee of Experts considers this undertaking fulfilled.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

112. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁹

113. According to the initial periodical report, schools that teach Bulgarian as a minority language also teach the subject "The Bulgarian Minority of Romania - History and Traditions". There exists a textbook published by the "Bulgarian Union of the Banat – Romania".

⁹ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

114. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Bulgarian benefit from the teaching of the history and the culture which is reflected by the Bulgarian language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

115. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Bulgarian language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

116. According to the initial periodical report, the total number of staff teaching Bulgarian as a subject is 14, of whom one teacher has been recruited from Bulgaria. The further training of these teachers is carried out by the school inspectorates of Timiș County and Bucharest. However, there is no information about the provision of the basic training of Bulgarian teachers, including teachers able to teach *in* the minority language at pre-school and primary school levels.

117. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on how they organise the basic and further training of teachers who are qualified to teach Bulgarian as a subject as well as to teach other subjects in Bulgarian.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

118. According to the initial periodical report, a teacher of teaching methods for Bulgarian has been appointed within the Timiș County School Inspectorate with a view to monitoring Bulgarian language education. However, it appears that no periodic report on the measures taken and progress achieved in establishing or developing the teaching of Bulgarian has been drawn up. Furthermore, for each minority there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials.

119. In light of the above, the Committee of Experts underlines¹⁰ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

120. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

121. According to the initial periodical report, this provision is not implemented because of the low number of Bulgarian speakers living outside the traditional settlement areas, in particular in the cities of southern Romania. However, the Committee of Experts notes that in fact there is a high school in Bucharest that teaches Bulgarian. Bulgarian is not taught at other levels.

¹⁰ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

122. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information on whether there are sufficient numbers of Bulgarian-speaking children in areas outside Banat that would justify teaching in or of Bulgarian and to what degree the needs of these children are taken care of in the educational system.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

123. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Bulgarian in practice.

124. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Bulgarian.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

125. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

126. The Committee of Experts understands that “applications” in accordance with Article 14.5 of the Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

127. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Bulgarian.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

128. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

129. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Bulgarian.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

130. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

131. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Bulgarian.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

132. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

133. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Bulgarian.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

134. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

135. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Bulgarian.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

136. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or**

137. The initial periodical report does not contain any information about the implementation of this undertaking.

138. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

139. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

140. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Bulgarian the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

141. The Committee of Experts has not received any detailed information concerning the demographical situation of the Bulgarian national minority at local level, including about whether this minority reaches the 20%-threshold in certain localities. This has hampered the examination of the application of Article 10. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Bulgarian speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

- a ...**
 - 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; or**
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;**

142. Article 10.1 concerns local branches of the central State authorities.

143. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, the options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

144. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

145. With regard to the Bulgarian language, the initial periodical report states that police inspectorates have recruited policemen who can speak Bulgarian. It is, however, not clear whether this is the result of a specific human resources policy.

146. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Bulgarian in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Bulgarian in local branches of the state administration in Banat. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

147. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. Apart from the fact that the exercise of this right is linked to the 20%-threshold, the Committee of Experts has no indications that it is exercised in practice.

148. The Committee of Experts considers this undertaking not fulfilled.¹¹ It encourages the Romanian authorities to allow and encourage the possibility for users of Bulgarian to submit oral or written applications in this language to local authorities.

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

149. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. The Committee of Experts would welcome more information on the publication of documents of the counties in Bulgarian.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

150. According to the Romanian legislation¹², citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

151. The Committee of Experts considers this undertaking not fulfilled.¹³ It encourages the Romanian authorities to allow and encourage the publication by local authorities of their official documents also in Bulgarian.

¹¹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

¹² Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

¹³ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

- 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;**

152. The Committee of Experts refers to its remarks under Article 10.2.c and asks the Romanian authorities to submit more information in the next periodical report.

- 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;**

153. With regard to the relevant percentage thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

154. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and encourage the use by local authorities of Bulgarian in debates in their assemblies.

- 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.**

155. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

156. As far as Bulgarian is concerned, the use of place-names in this language seems to be limited to the place-name signs of Dudeștii Vechi/Смапа Бешенова and Breștea/Бреща. However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).¹⁴

157. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Bulgarian in the next periodical report.

Paragraph 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; or**
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or**
- c to allow users of regional or minority languages to submit a request in these languages.**

158. Undertakings a, b and c represent alternative options. As Romania has chosen option a, the options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

¹⁴ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

159. Article 19 of the Law on Local Government no. 215/2001 states that "[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party." It is not clear to the Committee of Experts whether the "public institutions subordinated to" local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provision has been applied to Bulgarian in practice.

160. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Bulgarian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

161. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Bulgarian language qualifies for this and how this provision is implemented for Bulgarian in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

- 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.***

162. The initial periodical report does not contain any information about the implementation of this undertaking regarding Bulgarian. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

163. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on its fulfilment and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:***

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

164. According to the initial periodical report, the regional radio station of Timișoara broadcasts a programme in Bulgarian with a duration of one hour per week. It is unclear what content this programme covers and which age groups it addresses.

165. Moreover, the television channel TVR3, which is dedicated to national minorities, broadcasts a ten-minute programme in Bulgarian. It is, however, unclear at what intervals this programme is broadcast, what content it covers and which age groups it addresses.

166. The Committee of Experts welcomes the presence of the Bulgarian language on public radio and television. It notes, however, that the duration of the radio programme of one hour per week is too short in light of the number of Bulgarian speakers, which reduces the effectiveness and attractiveness of this broadcasting.¹⁵ The Committee of Experts reiterates the great importance of the electronic media for the promotion of minority languages in modern societies. In particular, a regular and predictable (e.g. weekly) presence of a minority language on radio and television can enhance considerably its social prestige.¹⁶

167. The Committee of Experts considers this undertaking partly fulfilled regarding radio. With regard to television, the Committee of Experts asks the Romanian authorities to submit more specific information in the next periodical report.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

168. It appears from the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts that there are no private radio programmes in Bulgarian.

169. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of private radio programmes in Bulgarian on a regular basis.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

170. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, TV Arad transmits twice per month a programme in Bulgarian. The programme covers cultural topics, addresses all generations and lasts 25 minutes. Furthermore, Alfa Omega TV broadcasts a cultural programme for one hour per week.

171. The Committee of Experts considers this undertaking fulfilled.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

172. The initial periodical report states that the television channel TVR 3 broadcasts, on a weekly basis, an art film from Bulgaria with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and Bulgaria. Furthermore, it is stated that the "Bulgarian Union of the Banat – Romania", which receives financial assistance from the state budget, has launched a website. Also, in the report's section on Article 12, reference is made to the possibility of receiving support from the Cinema Fund with a view to producing movies in minority languages. Apart from the fact that the report does not specify whether the Bulgarian language has benefited from this possibility, the Committee of Experts notes that the access to the Cinema Fund is open to producers of movies in all languages.

¹⁵ See 2nd Evaluation Report on the Slovak Republic, ECRML(2009)8, paragraph 800.

¹⁶ See 2nd Evaluation Report on Switzerland, ECRML(2004)6, paragraph 118.

173. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to submit, in their next periodical report, additional information about measures taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Bulgarian.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

174. The Committee of Experts underlines that a “newspaper” in conformity with the present undertaking has to be published at least weekly.¹⁷ According to the initial periodical report, the Romanian authorities provide financial assistance to bilingual (Romanian-Bulgarian) magazines. However, neither of them is published sufficiently often to qualify as a “newspaper”.

175. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Bulgarian.

g to support the training of journalists and other staff for media using regional or minority languages.

176. The initial periodical report refers to training organised by TVR 3 for the journalists of the national minority programmes as well as a yearly journalism course for the editors of national minorities’ periodicals organised by the Department for Interethnic Relations. It is, however, not sufficiently clear whether these measures have benefited journalists and other media staff using Bulgarian. The Committee of Experts, which is currently not in a position to conclude on the fulfilment of this undertaking, asks the Romanian authorities to clarify this in the next periodical report.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

177. The initial periodical report refers to the European Union’s Audiovisual Media Services Directive 2007/65/EC which ensures freedom of reception and retransmissions of audiovisual media services from other EU states. As regards the Bulgarian language, two TV channels from Bulgaria are retransmitted in Dudeştii Vechi/Смара Бешенова, a stronghold of the Bulgarian minority in Romania, by a local distributor.

178. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

¹⁷ See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654.

179. The initial periodical report refers to the National Audiovisual Council of Romania as the autonomous public authority in charge of the defence of the public interest in the broadcast media. However, there is no specific information as to whether the interests of the Bulgarian speakers are represented or taken into account by the Council, or whether there are other bodies in Romania performing tasks relevant under this undertaking. Furthermore, the information available does not cover the print media. The Committee of Experts, which is currently not in a position to conclude on the fulfilment of this undertaking, asks the Romanian authorities to clarify these issues in the next periodical report.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

180. According to the initial periodical report, the Romanian authorities have provided financial support to the publication of books in Bulgarian covering fiction, history and poetry, and to the participation of the Bulgarian minority in book fairs. The state-funded “Bulgarian Union of the Banat – Romania” runs a network of small libraries with books in Bulgarian. Furthermore, financial support has been provided to various cultural events and performances by choirs of the Bulgarian minority taking place in Romania and abroad (including Bulgaria).

181. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

182. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

183. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;***

184. Most cultural activities promoting the Bulgarian language are carried out by the state-funded “Bulgarian Union of the Banat – Romania”. The Committee of Experts considers this undertaking fulfilled.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;***

185. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

186. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

187. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Bulgarian in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

188. The initial periodical report does not contain any specific information concerning the application of this provision to the Bulgarian language.

189. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Bulgarian, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

190. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival "ProEtnica" in Sighișoara/Schäßsburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival "Alternative" (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival "Felsiget" (ibidem). These events may be relevant under this provision if the Bulgarian language has benefited from them and if the events have taken place outside the area where Bulgarian is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

191. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

192. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

193. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Bulgarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

194. The initial periodical report refers to the import of textbooks from Bulgaria for Bulgarian-language education in Romania, the co-operation of a high school with a high school in Bulgaria (cultural activities, exchanges of students and teachers) and the general contacts of the state-funded “Bulgarian Union of the Banat – Romania” with Bulgaria. There is, however, no specific information about co-operation in the fields of vocational training and permanent education and no information about co-operation in the field of the media.

195. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to submit, in the next periodical report, further information on the existence of a bilateral agreement with Bulgaria and the use of such an agreement to foster contacts between Bulgarian speakers in Romania and Bulgaria.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

196. According to the initial periodical report, a transborder programme between Romania (Constanța, Călărași and Giurgiu counties) and Bulgaria (Silistra) was implemented in 2009, targeting common traditions and customs of Romanians and Bulgarians of these areas. In the framework of the “Romania–Bulgaria Cross-Border Co-operation Programme 2007–2013”, common events for the promotion of culture, co-operation between educational institutions, school and university exchanges and the common promotion of tourist attractions have been carried out. It is, however, not clear to what extent the Bulgarian language has been promoted by these programmes. Furthermore, the Romanian authorities have published information materials relating to various kinds of cross-border co-operation with Bulgaria in the Bulgarian language.

197. While considering this undertaking fulfilled, the Committee of Experts asks the Romanian authorities to submit, in the next periodical report, more specific information about the promotion of the Bulgarian language in the context of cross-border co-operation.

2.2.2. Croatian

Article 8 – Education

General issues

198. With regard to the Croatian language, Romania has ratified Articles 8.1.a.i, b.i and c.ii which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Croatian accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

199. According to the initial periodical report, pre-school education in Croatian is available in Caraşova/Karaševo (Caraş-Severin county; attended by 25 children), Iabalcea/Jabalče (ten children), Nermed/Nermič (unknown number), Vodnic/Vodnik (17 children), Clcotici/Klokotič (eleven children) and Rafnic/Ravnik (33 children).

200. The Committee of Experts considers this undertaking fulfilled.

b i to make available primary education in the relevant regional or minority languages; or

201. According to the initial periodical report, primary education in Croatian is available in Caraşova/Karaševo, which constitutes the cultural centre of the Croatian minority in Romania, and attended by 53 children.

202. The Committee of Experts considers this undertaking fulfilled.

c ...

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

203. According to the initial periodical report, 121 students of the Croatian High School in Caraşova/Karaševo study Croatian as a mother tongue for four hours per week.

204. However, the Committee of Experts notes that the present undertaking requires that a substantial part of secondary education in Croatian is made available. This implies the provision of bilingual education with Croatian as a medium of instruction for about half of the subjects. Teaching Croatian only as a subject is not sufficient because this educational model is covered by the less demanding undertaking under Article 8.1.c.iii that Romania has not ratified.

205. In light of the obligation entered into by Romania, the Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available a substantial part of secondary education in Croatian.

- e *i to make available university and other higher education in regional or minority languages; or*
- ii to provide facilities for the study of these languages as university and higher education subjects; or*
- iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;***

206. According to the initial periodical report, Croatian language (as a foreign language, not as a minority language) and literature can be studied at the University of Bucharest. There were 21 students registered in the 2008-2009 academic year. Furthermore, Croatian language and literature can be studied at the University of Timișoara (15 students). At both universities, some courses are held in Croatian.

207. The Committee of Experts considers this undertaking fulfilled.

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***

208. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.¹⁸

209. The initial periodical report states that the textbook "History and Traditions of the Croatian Minority", which has been donated by the Croatian authorities, is used in Romania. It is, however, not clear to what extent the Romanian authorities contribute to the fulfilment of this undertaking.

210. In addition, it is not clear to the Committee of Experts to what extent non-speakers of Croatian also benefit from the teaching of the history and the culture which is reflected by the Croatian language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

211. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether non-speakers also benefit from the teaching of the history and the culture which is reflected by the Croatian language.

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

212. According to the initial periodical report, the Croatian authorities organise further training (teaching methods) for the teaching staff of schools using Croatian in Romania. Furthermore, the Romanian authorities approved funds for further training courses. However, there is no information about the provision of the basic training of Croatian teachers, including teachers able to teach *in* the minority language at pre-school, primary and secondary levels.

213. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on how they organise the basic and further training of teachers who are qualified to teach Croatian as a subject as well as to teach other subjects in Croatian.

¹⁸ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

214. There are no indications that the required body exists for Croatian. The Committee of Experts underlines¹⁹ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

215. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to set up a supervisory body responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Croatian and for drawing up public periodic reports of its findings.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

216. Apart from the possibility to study the Croatian language at the University of Bucharest, no teaching in or of Croatian seems to take place outside the traditional settlement area.

217. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to provide teaching in or of Croatian at all the appropriate stages of education in territories other than those in which this language is traditionally used.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a in criminal proceedings:***

...

- ii to guarantee the accused the right to use his/her regional or minority language; and/or***

218. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Croatian in practice.

219. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Croatian.

¹⁹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

- a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or**

220. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

221. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

222. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Croatian

- b in civil proceedings:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

223. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

224. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Croatian.

- b iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

225. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

226. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Croatian.

- c in proceedings before courts concerning administrative matters:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

227. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

228. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Croatian.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

229. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

230. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Croatian.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

231. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

232. The initial periodical report does not contain any information about the implementation of this undertaking.

233. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

234. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

235. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Croatian the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

236. The Committee of Experts has not received any detailed information concerning the demographical situation of the Croatian national minority at local level, including about whether this minority reaches the 20%-threshold in certain localities. This has hampered the examination of the application of Article 10. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Croatian speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

a ...

- 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; or**
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**
- v to ensure that users of regional or minority languages may validly submit a document in these languages;**

237. Article 10.1 concerns local branches of the central State authorities.

238. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, the options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

239. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

240. As far as the Croatian language is concerned, the initial periodical report states that the Caraş-Severin Police County Inspectorate has recruited policemen who can speak Croatian. It is, however, not clear whether this is the result of a specific human resources policy.

241. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Croatian in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Croatian in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

242. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold.

243. As regards the Croatian language, the initial periodical report states that local authorities in Caraş-Severin county have replied in Croatian to applications submitted to them by persons belonging to the Croatian minority.

244. The Committee of Experts considers this undertaking partly fulfilled. Considering the problems related to the 20%-threshold, the Committee of Experts encourages the Romanian authorities to allow and/or encourage the possibility for users of Croatian to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

245. According to the Romanian legislation²⁰, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

246. The Committee of Experts considers this undertaking not fulfilled.²¹ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Croatian.

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;

247. With regard to the relevant thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

248. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Croatian in debates in their assemblies.

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.

249. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

250. As far as Croatian is concerned, the use of place-names in this language seems to be limited to the place-name signs of Caraşova/Karaševo, Iabalcea/Jabalče, Nermed/Nermič, Vodnic/Vodnik, Clocotici/Klokotič and Rafnic/Ravnik. However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).²²

251. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Croatian in the next periodical report.

Paragraph 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; or

²⁰ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001

²¹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483

²² See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

252. Undertakings a and b represent alternative options. As Romania has chosen option a, option b becomes redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

253. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provision has been applied to Croatian in practice.

254. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Croatian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

b recruitment and, where necessary, training of the officials and other public service employees required;

255. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Croatian language qualifies for this and how this provision is implemented for Croatian in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

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.

256. The initial periodical report does not contain any information about the implementation of this undertaking regarding Croatian. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

257. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on its fulfilment and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

258. According to the initial periodical report, Radio Reșița broadcasts a programme in Croatian (30 minutes per week). In Bucharest, an additional radio programme is broadcast in Croatian with a duration of 45 minutes, covering inter alia news. However, it is not clear how regular this programme is broadcast (weekly, monthly, etc.).

259. Furthermore, TVR 3 broadcasts a television programme in Croatian which is produced by TVR Timișoara. There is no further information about this programme (duration, broadcasting time, target audience, topics covered, etc.).

260. On the basis of the information available, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

261. It appears that there are no private television programmes in Croatian.

262. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the broadcasting of private television programmes in Croatian on a regular basis.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

263. According to the initial periodical report, the television channel TVR 3 broadcasts, on a weekly basis, an art film from Croatia with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and Croatia. There is, however, no information about other audio and audiovisual works in Croatian and about how the Romanian authorities have supported the production of such works. Also, in the report's section on Article 12, reference is made to the possibility of receiving support from the Cinema Fund with a view to producing movies in minority languages. Apart from the fact that the report does not specify whether the Croatian language has benefited from this possibility, the Committee of Experts notes that the access to the Cinema Fund is open to producers of movies in all languages. This possibility is therefore covered by the non-discrimination clause in Article 7.2 and does not represent an encouragement or facilitation as required by the present provision.

264. The Committee of Experts considers this undertaking partly fulfilled. Nevertheless, it asks the Romanian authorities to submit, in their next periodical report, additional information about measures taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Croatian.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

265. The Committee of Experts underlines that a “newspaper” in conformity with the present undertaking has to be published at least weekly.²³ According to the initial periodical report, a bilingual journal (Croatian-Romanian) is published from the state budget (“Hrvatska Grancica” with the supplement “Supliment Hrvatska Grancica”). There is, however, no additional information about this publication, including on how regularly it is published and what topics it covers. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information in the next periodical report.

g to support the training of journalists and other staff for media using regional or minority languages.

266. The initial periodical report refers to training organised by TVR 3 for the journalists of the national minority programmes as well as a yearly journalism course for the editors of national minorities’ periodicals organised by the Department for Interethnic Relations. It is, however, not sufficiently clear whether these measures have benefited journalists and other media staff using Croatian. The Committee of Experts, which is currently not in a position to conclude on the fulfilment of this undertaking, asks the Romanian authorities to clarify this in the next periodical report.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

267. According to the initial periodical report, Article 75.1-2 of the Audiovisual Law No. 504/2002 guarantees free transmission of radio and television broadcasts from abroad. Furthermore, the European Union’s Audiovisual Media Services Directive 2007/65/EC ensures freedom of reception and retransmissions of audiovisual media services from other EU states. As regards the Croatian language, two television channels from Croatia (HRT1 and HRT2) can be received in Caraş-Severin county.

268. The Committee of Experts considers this undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

269. The initial periodical report refers to the production of a folklore thesaurus on CD (with songs) and the participation of Croatian speakers at the “ProEtnica Festival”. However, considering the wide scope of this provision and the number of Croatian speakers in Romania, the Committee of Experts is of the view that further measures are needed in order to fulfil this commitment.

²³ See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654

270. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to take additional steps with a view to encouraging types of expression and initiative specific to the Croatian language and fostering the different means of access to works produced in this language.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

271. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

272. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

273. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

274. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

275. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

276. According to the initial periodical report, there are plans to establish a central ethnic documentation museum for the Croats of Romania. It appears that this museum may in the future perform tasks relevant under this provision, but it is not clear whether it has already been opened. The Committee of Experts would need more specific information on this institution in order to reach a conclusion on the fulfilment of this provision. It asks the Romanian authorities to submit this information in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

277. The initial periodical report refers to linguistic research and related international conferences organised by the “Union of Croats of Romania” with a view to preserving the Croatian linguistic thesaurus. These activities may be relevant under this provision, but it is not clear whether they have actually covered translation and terminological research services.

278. The Committee of Experts would need more specific information in order to reach a conclusion on the fulfilment of this provision. It asks the Romanian authorities to submit this information in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

279. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival “ProEtnica” in Sighișoara/Schäßsburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival “Alternative” (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival “Felsiget” (ibidem). These events may be relevant under this provision if the Croatian language has benefited from them and if the events have taken place outside the area where Croatian is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

280. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

281. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

282. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;**

283. According to the initial periodical report, Romania and Croatia have launched a “Dialogue on National Minorities” which aims at promoting minority languages inter alia in education and media as well as exchanging experience on good practice in the field of minority protection. Furthermore, both countries signed the “Co-operation Agreement in Culture, Education and the Technical-Scientific Field” (1994) as well as the “Interministerial Cultural Co-operation Protocol” (1999). The Croatian minority in Romania has received textbooks from the Croatian authorities for Croatian-language education. The initial periodical report also refers to exchanges of professors and students involving the universities of Bucharest, Timișoara and Zagreb as well as the provision by the Croatian authorities of scholarships for study visits in Croatia. The “Union of Croats of Romania” also organises cross-border exchanges promoting contacts with associations in Croatia, including those of the Czech, German, Hungarian, Italian, Serbian and Slovak minorities in Croatia.

284. The Committee of Experts considers this undertaking fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.**

285. The initial periodical report does not contain any specific information (including examples) concerning co-operation across borders between regional or local authorities to the benefit of the Croatian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

2.2.3. Czech

Article 8 – Education

General issues

286. With regard to the Czech language, Romania has ratified Articles 8.1.a.ii, b.ii and c.iii which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Czech accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a ...**
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or**

287. According to the initial periodical report, pre-school education in Czech is provided in the kindergartens of Sfânta Elena/Svatá Helena and Gârnic/Gernik (Caraş-Severin county) and attended by 24 children. Czech is also used, albeit on a more limited scale, in Baia Nouă/Nove Doly and Eibenthal/Eibentál (Mehedinţi county) whose kindergartens are attended by 17 Czech speaking children. The Committee of Experts welcomes the fact that the provision of pre-school education in Czech in Sfânta Elena/Svatá Helena and Gârnic/Gernik goes even beyond the requirements of the present undertaking (bilingual pre-school education).

288. The Committee of Experts considers this undertaking fulfilled.

b ...

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

289. According to the initial periodical report, primary education in Czech is provided in Sfânta Elena/Svatá Helena, Gârnic/Gernik, Şumiţa/Šumice, Ravensca/Ravenska and Bigâr/Biger (Caraş-Severin county) and attended by 42 pupils. It is not clear whether the primary schools concerned are bilingual (in conformity with the present undertaking) or use Czech as the main medium of instruction, which would even go beyond the requirements of Article 8.1.b.ii. In Mehedinţi county, however, Czech is only taught as a subject for three hours per week which does not constitute a “substantial part of primary education” in accordance with this provision.

290. While considering this undertaking fulfilled, the Committee of Experts encourages the Romanian authorities to investigate whether a substantial part of primary education in Czech could be provided in Mehedinţi county as well.

c ...

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

291. According to the initial periodical report, 76 students learn Czech at secondary schools in the Caraş-Severin and Mehedinţi counties. It is, however, not clear whether Czech is taught as an integral part of the curriculum. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify this aspect in the next periodical report.

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

292. The initial periodical report does not contain any specific information concerning the use of Czech in technical and vocational education. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

293. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.²⁴

294. According to the initial periodical report, the subject “History and traditions of the Czech minority” is taught in Czech at grades one to eight at schools teaching (in) Czech. The textbooks for this subject have been elaborated by the “Democratic Union of Slovaks and Czechs of Romania”.

295. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Czech benefit from the teaching of the history and the culture which is reflected by the Czech language. In their replies to the Committee of Experts’ questionnaire, the Romanian authorities refer to a new optional subject “History of National Minorities” which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to additional information in the next periodical report.

296. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Czech language.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

297. According to the initial periodical report, a teacher of teaching methods for Czech has been appointed within the School Inspectorate of Caraş-Severin county with a view to monitoring Czech language education. Furthermore, for each minority in Romania there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. It appears, however, that no periodic report on the measures taken and progress achieved in establishing or developing the teaching of Czech has been drawn up.

298. In light of the above, the Committee of Experts underlines²⁵ that this undertaking requires a supervisory body or bodies dedicated to looking into regional or minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in regional or minority language education and produces and publishes periodical reports.

299. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

300. According to the initial periodical report, this provision is not implemented because the low number of Czech speakers living outside the traditional settlement areas would not justify such measures. Given that Romania has ratified this undertaking, the Committee of Experts nonetheless considers that the Romanian authorities should, in co-operation with the representatives of the Czech speakers, take steps with a view to achieving at least a certain level of fulfilment.

²⁴ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

²⁵ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

301. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to provide information on whether it is feasible to provide teaching in or of Czech also in areas where this language has not been traditionally used.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

302. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Czech in practice.

303. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Czech.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

304. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

305. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

306. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Czech.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

307. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

308. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Czech.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

309. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

310. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Czech.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

311. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

312. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Czech.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

313. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

314. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Czech.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

315. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

316. The initial periodical report does not contain any information about the implementation of this undertaking.

317. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

318. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

319. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Czech the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

320. The Committee of Experts has not received any detailed information concerning the demographical situation of the Czech national minority at local level, including about whether this minority reaches the 20%-threshold in certain localities. This has hampered the examination of the application of Article 10. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Czech speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

a ...

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; or

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or

v to ensure that users of regional or minority languages may validly submit a document in these languages;

321. Article 10.1 concerns local branches of the central State authorities.

322. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

323. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

324. With regard to the Czech language, the initial periodical report states that the Police Inspectorate of Caraş-Severin county has recruited policemen who can speak Czech.

325. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Czech in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Czech in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

326. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. Apart from the fact that the exercise of this right is linked to the 20%-threshold, the Committee of Experts has no indications that it is exercised in practice.

327. The Committee of Experts considers this undertaking not fulfilled.²⁶ It encourages the Romanian authorities to allow and/or encourage the possibility for users of Czech to submit oral or written applications in this language to local authorities.

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

328. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. The Committee of Experts would welcome more information on the publication of documents of the counties in Czech.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

329. According to the Romanian legislation²⁷, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local and county council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

330. The Committee of Experts considers this undertaking not fulfilled.²⁸ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Czech.

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;

331. The Committee of Experts refers to its remarks under Article 10.2.c and asks the Romanian authorities to submit more information in the next periodical report.

²⁶ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

²⁷ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

²⁸ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

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;

332. With regard to the relevant thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

333. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Czech in debates in their assemblies.

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.

334. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

335. As far as Czech is concerned, the use of place-names in this language seems to be limited to the place-name signs of Sfânta Elena/Svatá Helena, Gârnic/Gernik, Şumiţa/Šumice, Ravensca/Ravenska, Bigăr/Biger (all in Caraş-Severin county), Baia Nouă/Nove Doly and Eibenthal/Eibental (Mehedinţi county). However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).²⁹

336. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Czech in the next periodical report.

Paragraph 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; or**
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or**
- c to allow users of regional or minority languages to submit a request in these languages.**

337. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

338. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions

²⁹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provisions has been applied to Czech in practice.

339. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Czech is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

b recruitment and, where necessary, training of the officials and other public service employees required;

340. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Czech language qualifies for this and how this provision is implemented for Czech in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

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.

341. The initial periodical report does not contain any information about the implementation of this undertaking regarding Czech. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

342. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on its fulfilment and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

343. According to the initial periodical report, Radio Reșița (Caraș-Severin county) broadcasts a programme in Czech for 30 minutes per week (each Saturday). Furthermore, there is a bilingual (Slovak-Czech) programme broadcast by Radio Timișoara half an hour per week (each Sunday afternoon).

344. As regards television, TVR 3 broadcasts a weekly programme (each Thursday) in Czech with a duration of five minutes.

345. The Committee of Experts welcomes the presence of the Czech language on public radio and television. It notes, however, that the duration of the programmes in Czech is very short, in particular on television. The presence of Czech on television remains symbolical, which reduces the effectiveness and attractiveness of this broadcasting.³⁰ The Committee of Experts reiterates the great importance of the electronic media, especially television, for the promotion of minority languages in modern societies. In particular, an appropriate presence of a minority language on television can enhance considerably its social prestige.³¹

346. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Romanian authorities to extend the duration of radio and television broadcasts in Czech.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

347. It appears from the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts that there are no private radio programmes in Czech.

348. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of private radio programmes in Czech on a regular basis.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

349. It appears from the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts that there are no private television programmes in Czech.

350. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of private television programmes in Czech on a regular basis.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

351. The initial periodical report states that television channel TVR 3 broadcasts, on a weekly basis, an art film from the Czech Republic with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and the Czech Republic. The report does, however, not contain additional information concerning the implementation of this provision for Czech.

352. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to submit, in their next periodical report, additional information about measures taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Czech.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

³⁰ See 2nd Evaluation Report on the Slovak Republic, ECRML(2009)8, paragraph 800.

³¹ See 2nd Evaluation Report on Switzerland, ECRML(2004)6, paragraph 118.

353. The initial periodical report does not contain any information concerning the implementation of this provision for Czech. During the on-the-spot visit, representatives of the Czech speakers stated that a monthly publication exists which uses this language. However, the Committee of Experts underlines that a “newspaper” in conformity with the present undertaking has to be published at least weekly.³²

354. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Czech.

g to support the training of journalists and other staff for media using regional or minority languages.

355. The initial periodical report does not contain any information concerning the implementation of this provision for Czech. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

356. According to the initial periodical report, Article 75.1-2 of the Audiovisual Law No. 504/2002 guarantees free transmission of radio and television broadcasts from abroad. Furthermore, the European Union’s Audiovisual Media Services Directive 2007/65/EC ensures freedom of reception and retransmissions of audiovisual media services from other EU states. The Committee of Experts asks the Romanian authorities to specify, in the next periodical report, whether it is possible for Czech speakers to receive radio and television programmes in Czech.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

357. The initial periodical report refers to the National Audiovisual Council of Romania as the autonomous public authority in charge of the defence of the public interest in the broadcast media. However, there is no specific information as to whether the interests of the Czech speakers are represented or taken into account by the Council, or whether there are other bodies in Romania performing tasks relevant under this undertaking. Furthermore, the information available does not cover the print media. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify these issues in the next periodical report.

³² See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;**

358. According to the initial periodical report, the “Democratic Union of Slovaks and Czechs of Romania” receives financial support from the Romanian authorities to cover also cultural activities in Czech. The Democratic Union’s main publication is the monthly cultural magazine “Naše snahy”, which is bilingual (Slovak and Czech) and has a summary in Romanian. The magazine includes political information, articles of general interest, short stories, poems and studies. It has a supplement (“Naše snahy plus”) which is a quarterly literary magazine in Slovak and Czech. Furthermore, three schools which use Czech publish monthly school magazines in Czech. In 2008, two books in Czech were published, and several local libraries have books in Czech. The Democratic Union has organised several cultural activities promoting the Czech language and culture.

359. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

360. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

361. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

362. Most cultural activities promoting the Czech language are carried out by the state-funded “Democratic Union of Slovaks and Czechs of Romania”. The Committee of Experts considers this undertaking fulfilled.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

363. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

364. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

365. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. During the on-the-spot visit, representatives of the Czech speakers stated that the body required by this undertaking does not exist.

366. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Czech.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

367. The initial periodical report does not contain any specific information concerning the application of this provision to Czech.

368. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Czech, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

369. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival "ProEtnica" in Sighișoara/Schäßburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival "Alternative" (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival "Felsiget" (ibidem). These events may be relevant under this provision if the Czech language has benefited from them and if the events have taken place outside the area where Czech is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

370. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;**

371. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;**

372. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;**

373. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.**

374. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Czech language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

2.2.4. German

Article 8 – Education

General issues

375. With regard to the German language, Romania has ratified Articles 8.1.a.i, b.i, c.i and d.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to German accordingly.

376. The German language has traditionally benefited from a developed and geographically diversified offer of German-medium education. As a result of the reputation that the schools of the German minority enjoy in Romania, a considerable number of the pupils enrolled at these schools belong to the majority population, which explains to some extent the high figures specified below. Nevertheless, the Committee of Experts learned that it is not always possible for children from German-speaking families to receive German-medium education from kindergarten to upper secondary school at all the places where German speakers traditionally reside.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

377. According to the initial periodical report, 5 763 children attend kindergartens providing pre-school education in German. These kindergartens are located in several counties. During the on-the-spot visit, however, the Committee of Experts' attention was drawn to the fact that, due to a shortage of German teachers at the subsequent levels of education, many children who leave the German-medium kindergartens cannot continue their education in German.

378. The Committee of Experts considers this undertaking fulfilled, but encourages the Romanian authorities to ensure continuity between the different levels of education.

b i to make available primary education in the relevant regional or minority languages; or

379. The initial periodical report states that 6 050 pupils attend primary schools teaching in German. Primary education in German is available in several counties, but there are problems with the continuity from primary to secondary education due to a shortage of teachers.

380. The Committee of Experts considers this undertaking fulfilled, but encourages the Romanian authorities to ensure continuity between the different levels of education.

c i to make available secondary education in the relevant regional or minority languages; or

381. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, 4 798 students attend lower secondary education in German and 3 366 students upper secondary education in German.

382. The Committee of Experts considers this undertaking fulfilled, but encourages the Romanian authorities to ensure continuity between the different levels of education.

d i to make available technical and vocational education in the relevant regional or minority languages; or

383. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

e i to make available university and other higher education in regional or minority languages; or

384. According to the initial periodical report, there exists an "Institute for research and education in the German language" at the Babeş-Bolyai University in Cluj which is also supported by Germany. It offers two MA programmes in German: "German Cultural Studies" and "German literature in South-East Europe". Within the same university, there are also MA programmes of the Faculty of History (History of south-eastern Europe) and the Faculty of Economic Sciences and Affairs Management (Department of International

Economic Relations) which teach courses in German. The Committee of Experts commends the Romanian authorities on the support that they provide to the German-speaking branch of the Babeş-Bolyai University, which it considers best practice.

385. The Committee of Experts considers this undertaking fulfilled.

f ...

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

386. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

387. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.³³

388. The initial periodical report states that a textbook on the history and traditions of the German minority has been published for grades six and seven. There is no information about how the history and the culture which is reflected by the German language is taught at the other grades.

389. In addition, it is not clear to the Committee of Experts to what extent also non-speakers of German benefit from the teaching of the history and the culture which is reflected by the German language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

390. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by German.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

391. According to the initial periodical report, basic training of the teaching staff of kindergartens and primary schools providing education in German is carried out at the Andrei Şaguna Pedagogical College in Sibiu/Hermannstadt. A number of other academic institutions, which offer studies with various specialties in German or combine German and a non-philological subject, provide the teachers for teaching various subjects in German. These institutions are the Babeş-Bolyai University and the Technical University in Cluj, the "Politehnica" Universities of Timișoara and Bucharest, and the Bucharest Academy of Economic Studies. Furthermore, teaching staff from Germany and Austria are employed, based on bilateral agreements.

392. The further training of the teachers of schools teaching in German is carried out by the "Continuing Education Centre in the German Language" in Mediaş/Mediasch, which has a branch in Timișoara. The centre's work is supported by Germany.

³³ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

393. The Committee of Experts considers that Romania has undertaken commendable steps in providing an infrastructure for the training of teachers teaching in German. Nevertheless, the Romanian authorities acknowledge in the initial periodical report that there still exists a shortage of German teachers. In several counties there are kindergartens providing education in German but no teachers who could provide education in German at primary, secondary and technical/vocational levels. As a result, the children who leave the German-medium kindergartens cannot continue their education in German. During the on-the-spot visit, representatives of the German speakers stated that the demand for German-language education cannot be met due to the lack of teachers (including pre-school teachers). The underlying structural problems seem to be the very low salaries of teachers and the lack of incentives for students to become teachers teaching in minority languages.

394. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Romanian authorities to provide the training of a number of teachers that is sufficient to meet the demand for education in German and to introduce incentives for minority language teachers.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

395. For each minority in Romania, there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. However, according to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, no autonomous body exists for German.

396. The Committee of Experts underlines³⁴ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

397. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

398. The information contained in the initial periodical report concerns only the areas where German has been traditionally used. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

³⁴ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

399. According to Article 128.2 of the Romanian Constitution, "Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)". Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). "Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator" (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for German in practice.

400. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning German.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

401. According to Article 14.5 of Law no. 304/2004 on the Judicial System, "[a]pplications and procedural provisions shall be made only in Romanian." Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned "does not speak Romanian".

402. The Committee of Experts understands that "applications" in accordance with Article 14.5 of Law on the Judicial System cover "requests" within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

403. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in German.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

404. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

405. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for German.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

406. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

407. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in German.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

408. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

409. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning German.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

410. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

411. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in German.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

412. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

413. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

414. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

415. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in German the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

416. The Committee of Experts has not received any detailed information concerning the demographical situation of the German national minority at local level. It follows from the initial periodical report (p. 80) that there are probably no localities where the German minority still reaches the 20%-threshold. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the German speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

a ...

- 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; or***
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or***
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***
- v to ensure that users of regional or minority languages may validly submit a document in these languages;***

417. Article 10.1 concerns local branches of the central State authorities.

418. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

419. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

420. The initial periodical report states that, irrespective of the 20%-threshold, the county border police inspectorates of Maramureş/Máramaros and Bihor/Bihar and the county police inspectorates of Alba, Cluj, Olt, Timiş and Sibiu/Hermannstadt have recruited staff able to use German in their relations with persons applying to them in this language. However, the report also states that German is rarely used in practice.

421. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of German in the realm of other administrative bodies of the State administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of German in local branches of the State administration. It asks the Romanian authorities to provide such information in the next periodical report.

- b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

422. The Committee of Experts notes that this provision concerns administrative texts and forms that are widely used by local branches of the State authorities both internally or in relations with the public. It extends, for example, to administrative texts and (application) forms related to identity documents, the population registry, social welfare and local taxes.

423. The initial periodical report does not contain any information about the implementation of this provision for German. During the on-the-spot visit, the Committee of Experts was informed that widely used administrative texts and forms for the population in German or in bilingual versions do not exist.

424. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available widely used administrative texts and forms for the population in German or in bilingual versions.

c to allow the administrative authorities to draft documents in a regional or minority language.

425. The Committee of Experts observes that this provision covers all forms of written communication by local branches of the State authorities, both for internal use or in relations with one or several addressees outside the administration.

426. The initial periodical report does not contain any specific information concerning the application of this provision to the German language. Besides, the Committee of Experts was informed during the on-the-spot visit that in practice local branches of the State authorities do not draft documents in German.

427. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow the local branches of the State authorities to draft documents in German and to ensure an appropriate level of implementation in practice.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

428. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold, but there are apparently no localities where the German minority still reaches it. Furthermore, the Committee of Experts has no indications that this right is exercised in practice.

429. The Committee of Experts considers this undertaking not fulfilled.³⁵ It encourages the Romanian authorities to allow and/or encourage the possibility for users of German to submit oral or written applications in this language to local authorities.

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

430. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. The Committee of Experts would welcome information on the publication of documents of the counties in German.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

³⁵ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

431. According to the Romanian legislation³⁶, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local and county council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

432. The Committee of Experts considers this undertaking not fulfilled.³⁷ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in German.

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;

433. The Committee of Experts refers to its remarks under Article 10.2.c and asks the Romanian authorities to submit the relevant information in the next periodical report.

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;

434. With regard to the relevant thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

435. The Committee of Experts was informed during the on-the-spot visit that German is not used anywhere in debates in local assemblies. Even in a situation where the thresholds of one third and one fifth are met, German-speaking councillors refrain from using their language in local assembly debates because they consider it impolite to do so in the presence of non-speakers of German. This seems to be the case in the local assembly of Sibiu/Hermannstadt where 14 of the 23 councillors belong to the German minority's association/party. The Committee of Experts notes that such reluctance of minority language speakers to make use of the language facilities that the authorities are obliged to provide is a frequent phenomenon. It considers that both organisational measures (e.g. interpretation) and measures of encouragement need to be taken in order to encourage minority language speakers to use their language without being afraid to be regarded as "trouble-makers".

436. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and encourage the use by local authorities of German in debates in their assemblies.

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.

437. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

438. The Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names ("la toponymie" in the French version of the Charter) of that municipality/locality that can be officially used, for example in texts produced by the local authority or in the signage.³⁸ As regards the German language, several municipalities have bilingual place-name signs (Romanian-German). German place-names are also used in other domains, for example on street name signs (in one municipality: Sebeș/ Mühlbach), inscriptions on public buildings (e.g. townhall of Târgu Mureș/Marosvásárhely/Neumarkt), train stations (e.g. in Aiud/Nagyenyed/Straßburg), cultural sites and tourist signposts (e.g. concerning Transylvania's fortified churches).

³⁶ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

³⁷ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

³⁸ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

439. However, this signage exists *de facto* as it concerns places where the German minority has met the 20%-threshold in the recent past but, due to the emigration of Germans to Germany in the 1990s, no longer meets it. There is no legal basis guaranteeing that the still existing bilingualism will be maintained when the signage is renewed. Also, the Committee of Experts invites the Romanian authorities to encourage those municipalities having bilingual place-name signs to use all local place-names in the minority language in the relevant domains (street name, public transport and tourist signs or signposts; documents/forms; public relations materials/websites, etc.).

440. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in German in the next periodical report.

Paragraph 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; or***
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or***
- c to allow users of regional or minority languages to submit a request in these languages.***

441. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

442. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). During the on-the-spot visit, the Committee of Experts was informed that this provision is not being applied to German in practice.

443. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that German is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

444. The initial periodical report states that, irrespective of the 20%-threshold, the county border police inspectorates of Maramureş and Bihor and the county police inspectorates of Alba, Cluj, Olt, Timiş and Sibiu/Hermannstadt have recruited staff able to use German in their relations with persons applying to them in this language. Furthermore, the county police inspectorates of Alba and Sibiu/Hermannstadt have organised German language courses for policemen.

445. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information regarding the recruitment and training of officials of other State authorities, of local authorities, and of public service providers. The Committee of Experts asks the Romanian authorities to provide such information in the next periodical report.

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.

446. The initial periodical report does not contain any specific information (including examples) concerning the application of this undertaking. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this undertaking for German.

Paragraph 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.

447. According to the initial periodical report, German surnames are used “in most cases” in identity documents and the population register, but not always in conformity with the German spelling. There is no specific information about the legal basis of the use of family names in minority languages.

448. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to submit, in the next periodical report, information about the legal situation and to clarify how the authorities ensure, in public documents, the correct spelling of family names in minority languages in practice.

Article 11 – Media

General issues

449. According to the initial periodical report, there are three private television programmes in German addressing various age groups: a cultural programme on TV Arad (twice a week/25 minutes each), a programme covering cultural, historical, educational and health topics at Light Channel TV (daily/24 hours), and a cultural and religious programme broadcast by Alfa Omega TV in Timișoara (one hour/week). This extensive offer would normally fulfil the requirements of Article 11.1.c.ii. However, German is the only language covered by Part III for which neither of the two options of Article 11.1.c has been selected, despite the practical situation mentioned above and the fact that German is promoted by the second-strongest (after Hungarian) Part III menu. In light of the information obtained during the on-the-spot visit, this omission appears to have occurred by mistake. The Committee of Experts would like to point out that Romania may, pursuant to Article 3.2, notify the Secretary General of the Council of Europe that it accepts the obligation arising out of one of the options contained in Article 11.1.c and encourages the Romanian authorities to clarify this issue with the representatives of the German speakers.

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

450. According to the initial periodical report, public radio programmes in German are broadcast by Radio Romania (370 minutes), Radio Timișoara (840 minutes), Radio Târgu-Mureș (200 minutes on medium wave), Radio Reșița (30 minutes) and the radio of Cluj University. However, it is unclear at what intervals these programmes are broadcast, what content they cover and which audience/age groups they address.

451. In 2007, public television programmes in German have been broadcast by TVR1, TVR2 (bimonthly), TVR "Cultural" and TVR "International" (reruns of the programmes of TVR1 and TVR2), TVR3 (weekly art film), TVR Cluj and TVR Timișoara (daily, 30 minutes). The Committee of Experts notes, however, that the information contained in the initial periodical report is outdated, covering the years 2005-2007, and not sufficiently clear as regards the duration and intervals of broadcasts, the content and the audience/age groups of each programme.

452. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

453. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, Radio Arad broadcasts a cultural programme of 60 minutes duration. Furthermore, Radio Dorna (Suceava county) broadcasts 120 minutes in German. In both cases, the intervals are unclear. The Committee of Experts also notes that there are no private radio programmes in other parts of Romania where German is used, especially in Transylvania.

454. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the broadcasting of radio programmes in German on a regular basis in all regions where German is used. Furthermore, the Committee of Experts asks the Romanian authorities to specify the intervals at which Radio Arad and Radio Dorna broadcast in German.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

455. The initial periodical report states that the television channel TVR 3 broadcasts, on a weekly basis, an art film from Germany with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and Germany. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the authorities have also purchased a number of DVDs of a film in German. Considering the number of German speakers in Romania, the Committee of Experts is, however, of the view that additional measures need to be taken in order to fulfill this undertaking for German.

456. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to facilitate the production and distribution of audio and audiovisual works in German.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

457. According to the initial periodical report, the Romanian authorities support a daily newspaper published entirely in German ("Allgemeine Deutsche Zeitung für Rumänien"), which has weekly supplements for Transylvania and Banat ("Karpatenrundschau" and "Banater Zeitung"), as well as the weekly "Hermannstädter Zeitung". The Committee of Experts commends the Romanian authorities on this offer which constitutes best practice.

458. The Committee of Experts considers this undertaking fulfilled.

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

459. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

g to support the training of journalists and other staff for media using regional or minority languages.

460. The initial periodical report does not contain any specific information about the implementation of this provision regarding German. During the on-the-spot visit, the Committee of Experts was informed that no training scheme for journalists and other media staff using German exists.

461. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to support the training of journalists and other staff for media using German.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

462. The initial periodical report refers to the European Union's Audiovisual Media Services Directive 2007/65/EC which ensures freedom of reception and retransmissions of audiovisual media services from other EU states. However, it is also stated that TV cable operators and operators of other TV systems rarely take over and transmit German television channels. In light of this, the Committee of Experts asks the Romanian authorities to inform it in the next periodical report whether German speakers can receive radio and television programmes in German.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

463. The initial periodical report states that persons belonging to the German minority are only present in the editors' offices of German-language media. However, editors' offices are not relevant under this provision. Furthermore, the report refers to the National Audiovisual Council of Romania as the autonomous public authority in charge of the defence of the public interest in the broadcast media. However, there is no specific information as to whether the interests of the German speakers are represented or taken into account by the council, or whether there are other bodies in Romania performing tasks relevant under this undertaking. Also, the information available does not cover the print media. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify these issues in the next periodical report.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

464. According to the initial periodical report, the Romanian authorities have supported a high number of cultural activities related to the German language. These activities have covered the fields of publishing (books, periodicals, scientific series in German), events on literature, exhibitions, lectures on cultural topics, presentation of German music, vernacular forms of cultural expression and festivals. There are two theatres performing in German: the German State Theatre of Timișoara and the Radu Stanca Theatre in Sibiu/Hermannstadt. Furthermore, major cultural sites which are linked to the German minority have also inscriptions with historical/cultural information in German, including the fortified churches in Transylvania and historical buildings in Sibiu/Hermannstadt (European cultural capital of 2007). The Committee of Experts welcomes this comprehensive support.

465. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

466. The cultural activities of the German minority comprise a high number of literary productions, including works by the winner of the 2009 Nobel Prize in Literature, Herta Müller. However, the initial periodical report does not contain any specific information about how the Romanian authorities foster the different means of access in other languages to literary and other works produced in German by aiding and developing translation, dubbing, post-synchronisation and subtitling activities. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

467. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the German language. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;***

468. Most cultural activities promoting the German language are carried out by the state-funded “Democratic Forum of the Germans in Romania”. The Committee of Experts considers this undertaking fulfilled.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;***

469. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

470. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

471. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. During the on-the-spot visit, the Committee of Experts was informed that such a body does not exist for German. The Committee of Experts asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in German in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

472. The initial periodical report does not contain any specific information concerning the application of this provision. During the on-the-spot visit, the Committee of Experts was informed that no relevant terminological research is taking place.

473. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to create and/or promote and finance translation and terminological research services with a view to developing appropriate administrative, technical or legal terminology in German, in particular in light of the application of the Charter.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

474. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the German language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the National Minorities Day, the Minority Theatre Festival and the Interethnic Film Festival. These events may be relevant under this provision if the German language has benefited from them and if the events have taken place outside the area where German is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

475. The information contained in the initial periodical report concerns examples of Germany's cultural policy in Romania. However, the Committee of Experts underlines that this provision obliges the Romanian authorities to make appropriate provision for the German language and the culture it reflects in countries in which Romania presents its own culture and heritage.³⁹ This should involve also countries other than the minority's kin state.

³⁹ See for example 3rd Report of the Committee of Experts in respect of Hungary, ECRML 2007 (5), paragraph 202.

476. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

477. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

478. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

479. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for German.

Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

...

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;***

480. The initial periodical report does not contain any specific information concerning the application of this provision to the German language. During the on-the-spot visit, the Committee of Experts was informed that the German minority runs retirement homes of its own which are funded by means of the minority and from Germany. No measures have been taken concerning hospitals. The Committee of Experts considers that a systematic human resources policy is needed on the side of the authorities in order to ensure that German-speaking staff are actually available in social care facilities, in particular hospitals.

481. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using German who are in need of care on grounds of ill-health, old age or for other reasons.

d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

482. The Committee of Experts notes that this provision concerns all forms of instructions whose aim it is to prevent accidents, including at the workplace. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the German language. During the on-the-spot visit, the Committee of Experts was informed that no safety instructions in German exist.

483. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to define, in co-operation with the representatives of the German minority and the local authorities concerned, what kind of safety instructions are relevant under this provision and to ensure that they are also drawn up in German.

e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

484. The Committee of Experts notes that this provision concerns both information concerning consumer rights provided in public (e.g. information boards regarding passenger rights at stations or airports) or relevant information on products.⁴⁰ The initial periodical report does not contain any specific information concerning the application of this provision to the German language. During the on-the-spot visit, the Committee of Experts was informed that information concerning the rights of consumers is not available in German.

485. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian to define, in co-operation with the representatives of the German minority, what information concerning consumer rights is relevant under this provision and to arrange for such information to be made available in German.

Article 14 – Transfrontier exchanges

The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

486. The initial periodical report refers to co-operation in the educational field, in particular the co-operation of the German section of Cluj University with several German and Austrian universities and the University of Ljubljana (Slovenia), including exchanges of teaching staff and programmes that grant a double diploma. Furthermore, the “Bukowina-Institut” in Augsburg (Germany), which the Romanian Minister of Foreign Affairs visited in 2011, co-operates with the Universities of Suceava (Bukovina) and Iași. In addition, the German Academic Exchange Service offers a number of scholarships for German-speaking teaching staff in Romania, continuing education, young researchers, and students from the German minority. The Romanian authorities also support the cross-border radio network “Funkforum” which unites radio programmes from and for the German minorities in Romania, Hungary, Croatia and Serbia.

487. The Committee of Experts considers this undertaking fulfilled.

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

488. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the German language. During the on-the-spot visit, the Committee of Experts was informed that, on the initiative of Transylvanian Saxons emigrated to Germany, the town of Dinkelsbühl (Germany) is twinned with Sighișoara/Schäßburg in Romania. In 2011, the Romanian Minister of Foreign Affairs attended the annual Festival of the Transylvanian Saxons in Germany. The Committee of Experts asks the Romanian authorities to include an overview of other relevant co-operation between local and regional authorities in their next periodical report.

⁴⁰ See e.g. 2nd Report of the Committee of Experts in respect of Spain, ECRML(2008)5, paragraph 1193.

2.2.5. Hungarian

Article 8 – Education

General issues

489. With regard to the Hungarian language, Romania has ratified Articles 8.1.a.i, b.i, c.i and d.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Hungarian accordingly.

490. There exists a considerable offer of Hungarian-medium education throughout the areas where Hungarian is traditionally used. The figures indicated below regarding the number of pupils/students concern the Counties of Timiș/Temes, Arad, Bihor/Bihar, Satu Mare/Szatmárnémeti/Sathmar, Maramureș/Máramaros, Sălaj/Szilágy, Cluj/Kolozs, Alba/Fehér, Hunedoara/Hunyad, Sibiu/Hermannstadt/Nagyszeben, Bistrița-Năsăud/Beszterce-Naszód, Mureș/Maros, Harghita/Hargita, Covasna/Kovászna, Brașov/Kronstadt/Brassó, Bacău/Bákó and Bucharest. The Committee of Experts learned that in some localities in these counties it is not always possible for children from Hungarian-speaking families to receive Hungarian-medium education from kindergarten to upper secondary school at all the places where Hungarian speakers traditionally reside.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

491. According to the initial periodical report, 41 054 children attend kindergartens providing pre-school education in Hungarian.

492. The Committee of Experts considers this undertaking fulfilled.

b i to make available primary education in the relevant regional or minority languages; or

493. According to the initial periodical report, 47 603 pupils attend primary schools teaching in Hungarian. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Hungarian speakers that in some areas there are problems with the continuity from primary to secondary education due to a shortage of teachers able to teach in Hungarian.

494. The Committee of Experts considers this undertaking fulfilled, but encourages the Romanian authorities to ensure continuity between the different levels of education.

c i to make available secondary education in the relevant regional or minority languages; or

495. According to the initial periodical report, 44 697 pupils are enrolled in *gymnasium* education (grades 5-8) in Hungarian while 31 559 pupils attend *high school* education (grades 9-12) in this language.

496. The Committee of Experts considers this undertaking fulfilled, but encourages the Romanian authorities to ensure continuity between the different levels of education.

d i to make available technical and vocational education in the relevant regional or minority languages; or

497. According to the initial periodical report, 8 870 students attend vocational education in Hungarian while 1 102 students are enrolled in post high school and foremen education in this language. However, the report also states that technical education in Hungarian exists only in the Harghita/Hargita, Covasna/Kovászna and Mureş/Maros counties where the number of students is high. In other counties where Hungarian is traditionally used, technical and vocational education can often not be organised because there are not enough students to meet the minimum threshold of ten students. The Committee of Experts refers in this context to its observations and recommendation under 1.4.3 above.

498. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Hungarian speakers that there is a shortage of teachers able to teach subjects in Hungarian at technical and vocational level.

499. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to ensure that there is a sufficient number of teachers able to teach subjects in Hungarian in technical and vocational education.

e i to make available university and other higher education in regional or minority languages; or

500. According to the initial periodical report, university education in Hungarian is provided in particular at the Babeş-Bolyai University in Cluj-Napoca/Kolozsvár for over 50 specialties (e.g. computer science, anthropology, political science, religion, environment, philosophy, geography, sociology). Out of the 21 faculties of the university, 17 offer at present courses in Romanian and Hungarian. There are also two faculties (Reformed Theology and Roman-Catholic Theology) which teach exclusively in Hungarian. Furthermore, university education in Hungarian is provided at the University of Medicine and Pharmacy (general medicine, paediatrics, dentistry, pharmacy etc.) and at the Szentgyörgyi István Theatre University (both in Târgu Mureş/Marosvásárhely/Neumarkt). University colleges teaching in Hungarian exist in Gheorghieni/Gyergyószentmiklós, Miercurea Ciuc/Csíkszereda, Târgu Secuiesc/Kézdivásárhely, Sfântu Gheorghe/Sepsiszentgyörgy and Satu Mare/Szatmárnémeti/Sathmar. In addition, the University of Bucharest has a chair of Hungarology. During the 2007-2008 academic year, 29 587 students studied in Hungarian within the public system of higher education.

501. The Committee of Experts considers this undertaking fulfilled.

f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

502. The initial periodical report does not contain any specific information concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

503. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁴¹

504. The information contained in the initial periodical report concerning the discipline "History and Traditions of the Hungarian Minority" is not sufficiently clear.

⁴¹ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

505. In addition, it is not clear to the Committee of Experts to what extent also non-speakers of Hungarian benefit from the teaching of the history and the culture which is reflected by the Hungarian language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to additional information in the next periodical report.

506. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, specific information on how they implement this provision for Hungarian.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

507. According to the initial periodical report, the training of Hungarian teachers is carried out at pedagogical colleges within the Babeş-Bolyai University of Cluj-Napoca/Kolozsvár. In 2007 and 2008, 35 continuing education courses were held and attended by 1 959 teaching staff using Hungarian.

508. In light of its observations regarding Article 8.1.b-d, the Committee of Experts notes that there exists in some areas a shortage of teachers able to teach subjects in Hungarian. As a result, pupils in these areas cannot easily continue their education in Hungarian at the following level. The underlying structural problems seem to be the very low salaries of teachers and the lack of incentives for students to become teachers teaching in minority languages. The new (2011) Law on National Education foresees the reimbursement of the transportation costs incurred by pupils who have to commute to another municipality in order to attend education in their minority language as well as the provision of accommodation and free meals in case such education is provided by a boarding school. While welcoming this legislative improvement, the Committee of Experts observes nonetheless that such measures cannot compensate for the provision of a sufficient number of teachers able to teach subjects in Hungarian in areas where a relevant number of Hungarian speakers live.

509. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Romanian authorities to provide the training of a number of teachers that is sufficient to meet the demand for education in Hungarian and to introduce incentives for minority language teachers.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

510. For each minority in Romania there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. However, the initial periodical report does not contain more specific information concerning the application of this provision regarding Hungarian. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

511. The initial periodical report contains only information concerning territories in which Hungarian is traditionally used. However, this provision concerns territories in which the Hungarian language has no traditional presence, like Bucharest. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

Article 9 – Judicial authorities

512. While the initial periodical report does not provide concrete information about the application of the relevant provisions of Article 9 to Hungarian, it generally states that Hungarian is used in practice, especially in the areas where there is a large concentration of its speakers (e.g. Harghita/Hargita, Covasna/Kovászna and Mureş/Maros counties). However, the Committee of Experts would need more specific information (including statistics) in order to assess whether the provisions concerned are implemented.

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

513. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Hungarian in practice.

514. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Hungarian.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

515. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

516. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

517. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Hungarian.

b in civil proceedings:

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

518. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

519. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Hungarian.

- b iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

520. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

521. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Hungarian.

c in proceedings before courts concerning administrative matters:

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

522. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

523. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Hungarian.

- c iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

524. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

525. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Hungarian.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.**

526. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or**

527. Hungarian speakers may present valid documents drawn up in Hungarian at the Covasna/Kovászna county police inspectorate (e.g. wills, civil contracts, land registry extracts, agricultural register extracts, documents issued by the Republic of Hungary). However, the initial periodical report does not contain any additional and more general information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

528. Based on Article 21 of Law No. 202/1998 concerning the organisation of the Official Journal of Romania (*România Hivatalos Közlönye* in Hungarian), the Official Journal of Romania is also translated and published in Hungarian.

529. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

530. While the Committee of Experts has not any received detailed information concerning the demographical situation of the Hungarian national minority at local/regional level, it is aware that this minority reaches the 20%-threshold in a high number of localities.

Paragraph 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:

- a ...**
 - 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; or**
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;**

531. Article 10.1 concerns local branches of the central State authorities.

532. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

533. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

534. The initial periodical report states that the county police inspectorates of Harghita/Hargita and Covasna/Kovászna as well as the County Border Police Inspectorate of Bihor/Bihar have at their disposal Hungarian-speaking staff who can reply to requests made in Hungarian, especially during border controls or on the police telephone hotline. Regarding counties where the Hungarian minority does not reach the 20%-threshold, the county border police inspectorates of Satu Mare/ Szatmárnémeti/Sathmar and the county police inspectorates of Cluj/Kolozsvár and Maramureş/ Máramaros have recruited staff able to use Hungarian in their relations with persons applying to them in this language. While it seems that Hungarian is used to some extent in counties where the 20%-threshold is met, practical implementation is more rare in other areas inhabited by Hungarian speakers.

535. The initial periodical report also states that the Inspectorate General for Emergency Situations, which seems to be a State authority, the National Agency for Cadastre and Land Registration, and branches of the National Archives employ Hungarian speakers in areas where at least 20% of the population belong to the Hungarian minority. In practice, however, only the National Agency for Cadastre and Land Registration replies to requests made in Hungarian in this language whereas the other two institutions use Romanian. This practice complies only with Article 10.1.a.iv, but not with option ii which applies here.

536. For purposes of its shadow report, the “Civic Engagement Movement” has sent applications in Hungarian to 76 State authorities, local authorities and public service providers located in Mureş/Maros county where 39.3% of the population belong to the Hungarian minority. In its letters, the association asked for replies in Hungarian and made reference to relevant national laws and Article 10 of the Charter. According to the shadow report, 19 institutions replied bilingually on the substance of the request and 13 in Romanian only, 11 replied in Romanian that the request should be submitted again in the official language, and 33 did not reply at all. During the on-the-spot visit, representatives of the “Civic Engagement Movement” also stated that many Hungarian speakers refrain from submitting applications to State authorities in Hungarian because they believe that using Romanian will speed up the processing of their request and influence the decision in a positive way.

537. Local branches of the State authorities other than those referred to above are relevant under this provision, for example the prefecture and the army (Centrul Militar). However, it is unclear whether Hungarian can be used in relation with them. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report.

538. The Committee of Experts considers this undertaking partly fulfilled.⁴² It encourages the Romanian authorities to ensure that those officers who are in contact with the public use the Hungarian language in their relations with persons applying to them in this language.

b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

539. The Committee of Experts notes that this provision concerns administrative texts and forms that are widely used by local branches of the State authorities both internally or in relations with the public. It extends, for example, to administrative texts and (application) forms related to identity documents, the population registry, social welfare and local taxes.

540. The initial periodical report does not contain any information about the implementation of this provision for Hungarian. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, local branches of State authorities have made available forms and administrative documents in Hungarian, namely standardised application forms concerning public-interest information, administrative complaints, archive documents, notification forms and summons. In its shadow report, the “Civic Engagement Movement” states that the use of such forms is hampered by a lack of clear internal guidelines.

⁴² See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 475-476

541. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to make available widely used administrative texts and forms for the population in Hungarian or in bilingual versions.

c to allow the administrative authorities to draft documents in a regional or minority language.

542. The Committee of Experts observes that this provision covers all forms of written communication by local branches of the State authorities, both for internal use or in relations with one or several addressees outside the administration.

543. The initial periodical report does not contain any specific information concerning the application of this provision to the Hungarian language. During the on-the-spot visit, the Committee of Experts was informed that documents in Hungarian are not generally available in the areas where Hungarian is used by a considerable number of people.

544. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to allow the local branches of the State authorities to draft documents in Hungarian and to ensure an appropriate level of implementation in practice.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

545. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. As the exercise of this right is linked to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

546. The initial periodical report states that local public administration authorities in ten counties reply in Hungarian to requests received in this language. Furthermore, local councils and their subordinated bodies in 14 counties have employed a significant number of Hungarian speakers. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, bilingual Romanian and Hungarian standardised forms were introduced into administrative use at local level after ratification of the Charter. During the on-the-spot visit, however, representatives of the Hungarian speakers stated that many Hungarian speakers submit applications to local authorities in Romanian, expecting that this will speed up the processing of their request and influence the decision in a positive way.

547. The Committee of Experts considers this undertaking partly fulfilled.⁴³ It encourages the Romanian authorities to allow and/or encourage the possibility for users of Hungarian to submit oral or written applications in this language to local authorities.

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

548. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. During the on-the-spot visit, representatives of the Hungarian speakers stated that a relatively low number of county councils uses bilingual forms.

549. The Committee of Experts asks the Romanian authorities to submit, in their next periodical report, information on the publication of documents of the counties in Hungarian.

⁴³ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

550. According to the Romanian legislation⁴⁴, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local and county council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population.

551. The initial periodical report states that Hungarian is used for the publication of the county council agenda (concerns eight county councils), county council decisions (four county councils) and decisions with individual character (seven county councils). According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, local authorities have made available forms and administrative documents in Hungarian, namely standardised application forms concerning public-interest information, administrative complaints, urban planning, the issuing of authorisations and producer certificates, housing, real estate taxes, notification forms and summons. In light of the information obtained during the on-the-spot visit, such documents are not consistently used in practice.

552. The Committee of Experts considers this undertaking partly fulfilled.⁴⁵ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Hungarian.

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;

553. The Committee of Experts refers to its remarks under Article 10.2.c.

554. According to the initial periodical report, six county councils use Hungarian during their meetings. It is, however, not clear how the situation is in other areas traditionally inhabited by Hungarian speakers.

555. While considering this undertaking fulfilled, the Committee of Experts asks the Romanian authorities to submit additional information in the next periodical report.

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;

556. With regard to the relevant thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

557. As regards Hungarian, there is no information about the situation in assemblies of municipalities.

558. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

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.

559. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

⁴⁴ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁴⁵ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

560. The Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality/locality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority or in the signage.⁴⁶ As regards the Hungarian language, a high number of municipalities and localities have bilingual place-name signs (Romanian-Hungarian). Hungarian place-names are also used in other domains, for example on street name signs (e.g. in Târgu Mureş/Marosvásárhely/Neumarkt), inscriptions on public buildings and at train stations (e.g. in Aiud/Nagyenyed/Straßburg), cultural sites and tourist signposts. However, this use is not always consistent and often depends on local initiatives. At times, the Hungarian inscriptions are erroneous, for example if the Hungarian word for “street” is added to a Romanian name without translating the latter into Hungarian as well (e.g. “Justiției utca” rather than correct “Bíroság utca”). Also, the Committee of Experts invites the Romanian authorities to encourage those municipalities having bilingual place-name signs to use all local place-names in the minority language in the relevant domains (street name, public transport and tourist signs or signposts; documents/forms; public relations materials/websites, etc.).

561. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to adopt a structured approach encouraging the use of all place-names in Hungarian in a given municipality in all relevant domains.

Paragraph 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; or***
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or***
- c to allow users of regional or minority languages to submit a request in these languages.***

562. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

563. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above).

564. During the on-the-spot visit, the Committee of Experts was informed that this provision is not being consistently applied to Hungarian in practice. For example, electricity bills are usually not available in Hungarian. According to the shadow report submitted by the “Civic Engagement Movement” (see under Article 10.1.a above), there have been instances where the “Poșta Română” and the electricity provider “Electrica” have refused to reply in Hungarian to requests received in this language. The Committee of

⁴⁶ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

Experts notes that such a practice would not even comply with the weakest option (c) of paragraph 3, let alone with option a which requires that public service providers use the given minority language also internally.

565. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Hungarian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

b recruitment and, where necessary, training of the officials and other public service employees required;

566. The initial periodical report states that, irrespective of the 20%-threshold, several county border police inspectorates, county police inspectorates and other State authorities have recruited staff able to use Hungarian in their relations with persons applying to them in this language. There is, however, no information about training and the implementation of this provision regarding other relevant local State authorities.

567. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to ensure, regarding all relevant authorities, the recruitment and, where necessary, training of the officials and other public service employees required to implement their undertakings under Article 10 regarding the Hungarian language.

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.

568. According to the initial periodical report, the Covasna/Kovászna county police inspectorate is taking care of the assignment of Hungarian-speaking policemen to areas where this language is spoken. There is no other information available.

569. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, more comprehensive information on how they implement this undertaking for Hungarian.

Paragraph 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.

570. There is no specific information about the implementation of this undertaking.

571. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to submit, in the next periodical report, information about the legal situation and to clarify how the authorities ensure, in public documents, the correct spelling of family names in minority languages in practice.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or

572. According to the initial periodical report, public radio programmes in Hungarian are broadcast by Radio Timișoara (14 hours/week), Radio Târgu-Mureș (50 hours/week), Radio Cluj (63 hours/week) and Radio Reșița (30 minutes/week). The Committee of Experts notes that Radio Târgu-Mureș and Radio Cluj, which broadcast seven to nine hours per day in Hungarian, could qualify as a "radio station in Hungarian" in accordance with the present provision. As far as the other radio stations are concerned, their broadcasting time in Hungarian is too limited for them to qualify as "radio stations in Hungarian". In addition, it is unclear what content all aforementioned programmes cover and which audience/age groups they address.

573. The Committee of Experts welcomes the current plans to extend the broadcasting time devoted to the Hungarian language on public radio and encourages them to implement them in accordance with the obligations entered into under this provision.

574. On public television, programmes in Hungarian of a duration of 152 hours were broadcast on TVR 1 and TVR 2 in 2007. In addition, TVR International and TVR Cultural broadcast about 50 hours in Hungarian in the same year (reruns of the programmes of TVR1 and TVR2). The programmes covered various thematic genres (news, art and culture, entertainment, science, music, education and religion). The Committee of Experts notes, however, that the information contained in the initial periodical report is outdated, covering the years 2005-2007. Based on the information received, the Committee of Experts notes that there is no television channel in Hungarian.

575. The Committee of Experts considers this undertaking fulfilled for radio and not fulfilled for television.

The Committee of Experts encourages the Romanian authorities to set up a television channel in Hungarian.

b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

576. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, 15 private radio stations located in different counties broadcast entirely in Hungarian. For at least one radio station (Erdély FM based in both Târgu-Mureș/Marosvásárhely/ Neumarkt and Toplița/Maroshévíz) it is clear that the broadcasting time in Hungarian extends to 24 hours per day. Furthermore, several other private radio stations broadcast individual *programmes* in Hungarian. The existing offer covers various age groups and thematical genres. The Committee of Experts welcomes this comprehensive offer.

577. The Committee of Experts considers this undertaking fulfilled.

c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or

578. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, ten private television channels located in different counties broadcast *entirely* in Hungarian. For at least one television channel (Light Channel TV 1) it is clear that the broadcast time in Hungarian extends to 24 hours per day. Furthermore, several other private television channels broadcast individual *programmes* in Hungarian. The existing offer covers various age groups and thematic genres. The Committee of Experts welcomes this comprehensive offer.

579. The Committee of Experts considers this undertaking fulfilled.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

580. The initial periodical report does not contain any specific information concerning the application of this provision. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, two documentaries and DVDs in Hungarian have been produced with their financial assistance. Considering the number of Hungarian speakers in Romania, the Committee of Experts is, however, of the view that additional measures need to be taken in order to implement this provision for Hungarian.

581. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to facilitate the production and distribution of audio and audiovisual works in Hungarian.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

582. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

583. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

g to support the training of journalists and other staff for media using regional or minority languages.

584. According to the initial periodical report, staff of Erdély FM, including non-journalistic staff (cameramen), attended training for journalists in 2010. Also, staff of "Paprika Radio" have been trained in Hungary. Besides these examples, there is no information about whether there exists a general training scheme for Hungarian-speaking journalists and media staff covering all parts of the country where Hungarian is used.

585. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to support the training of journalists and other staff for media using Hungarian.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

586. The initial periodical report refers to the European Union's Audiovisual Media Services Directive 2007/65/EC which ensures freedom of reception and retransmissions of audiovisual media services from other EU states. Nine television channels from Hungary are retransmitted in Romania.

587. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

588. According to the initial periodical report, representatives of the Hungarian minority are inter alia members of the National Audiovisual Council.

589. The Committee of Experts considers this undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

590. According to the initial periodical report, the Romanian authorities have supported a high number of cultural activities related to the Hungarian language. These activities have covered the fields of publishing (books, periodicals in Hungarian), events, exhibitions, presentation of Hungarian music, vernacular forms of cultural expression and festivals. There are nine theatres, six puppet theatres and one opera performing in Hungarian. Furthermore, major cultural sites have also inscriptions with historical/cultural information in Hungarian. The Committee of Experts welcomes this comprehensive support.

591. The Committee of Experts considers this undertaking fulfilled.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

592. The initial periodical report specifies a number of literary works that have been translated, but it is not clear whether these were translations from Hungarian (as required by this provision) or into Hungarian. In addition, there is no information about dubbing, post-synchronisation and subtitling activities. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify these aspects in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

593. The initial periodical report specifies a number of literary works that have been translated, but it is not clear whether these were translations into Hungarian (as required by this provision) or from Hungarian. In addition, there is no information about dubbing, post-synchronisation and subtitling activities. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify these aspects in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

594. The initial periodical report does not contain any specific information concerning the application of this provision. However, the Committee of Experts notes that the Hungarian speakers have a diversified infrastructure of cultural institutions (for example nine theatres) which ensures the incorporation of the knowledge and use of Hungarian and the related culture in the undertakings which they initiate or for which they provide backing.

595. The Committee of Experts considers this undertaking fulfilled.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

596. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

597. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

598. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Hungarian in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

599. The initial periodical report does not contain any specific information concerning the application of this provision. During the on-the-spot visit, representatives of the Hungarian speakers stated that there is a lack of administrative terminology in Hungarian, as a result of which civil servants often use Romanian. No relevant terminological research appears to take place.

600. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to inform about any measures taken to promote and finance translation and terminological research services with a view to developing appropriate administrative, technical or legal terminology in Hungarian.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

601. The initial periodical report refers in a general way to cultural activities in areas where the Hungarian minority does not settle compactly. However, this provision concerns areas of the country where the regional or minority language has not been traditionally used, for example Bucharest. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the National Minorities Day, the Minority Theatre Festival and the Interethnic Film Festival. These events may be relevant under this provision if the Hungarian language has benefited from them and if the events have taken place outside the area where Hungarian is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

602. The information contained in the initial periodical report is outdated and limited to the cultural policy pursued in Hungary. However, this provision also concerns countries other than the minority's kin state. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they currently implement this provision for Hungarian.

Article 13 – Economic and social life**Paragraph 1**

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

603. The initial periodical report does not contain any specific information concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

604. The initial periodical report does not contain any specific information concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

605. The initial periodical report does not contain any specific information concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

...

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;***

606. The initial periodical report states that in areas with a majority of Hungarian speakers this language can be used in hospitals. However, this appears to be a mere reflection of the demographical situation in the regions concerned. It is not clear to the Committee of Experts what structural and practical measures the Romanian authorities take (e.g. recruitment of bilingual staff, language training for existing staff, signage in social care facilities) with a view to ensuring the application of this provision in all areas with relevant numbers

of Hungarian speakers. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

607. The Committee of Experts notes that this provision concerns all forms of instructions whose aim it is to prevent accidents, including at the workplace. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. Representatives of the Hungarian speakers have pointed out that safety instructions are usually in Romanian only, even in areas where Hungarian speakers form the majority of the population.

608. The Committee of Experts asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Hungarian.

e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

609. The initial periodical report states that in counties with a majority of Hungarian speakers this language can be used for lodging claims with inspectorates for consumer protection. Replies to such claims are, however, worded only in Hungarian if the person concerned has explicitly requested that. Furthermore, information material has been published in Hungarian to inform consumers, but it is not clear what kind of information these leaflets contain. The Committee of Experts considers that a more structured approach is needed in order to implement this provision. This approach should cover information concerning consumer rights provided in public (e.g. information boards regarding passenger rights at stations or airports) or relevant information on products.⁴⁷

610. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to define, in co-operation with the representatives of the Hungarian minority, what information concerning consumer rights is relevant under this provision and to arrange that such information is made available in Hungarian.

Article 14 – Transfrontier exchanges

The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

611. The initial periodical report states that, within the framework of the 1996 Treaty of Friendship and Co-operation concluded between Romania and Hungary, the protection of the Hungarian minority in Romania receives considerable attention. For example, school exchanges between 50 schools in Bihor/Bihar county (Romania) and Hajdu–Bihar (Hungary) have been organised. The report does not contain additional examples of co-operation in the fields of culture, education, information, vocational training and permanent education.

612. While considering this undertaking fulfilled, the Committee of Experts asks the Romanian authorities to submit further information in the next periodical report.

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

⁴⁷ See e.g. 2nd Report of the Committee of Experts in respect of Spain, ECRML(2008)5, paragraph 1193

613. According to the initial periodical report, several publications about transfrontier co-operation in general have been translated into Hungarian. However, there is no specific information about how co-operation across borders between regional or local authorities is to the benefit of the Hungarian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide the relevant information in the next periodical report.

2.2.6. Russian

Article 8 – Education

General issues

614. With regard to the Russian language, Romania has ratified Articles 8.1.b.iii and c.iii which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Russian accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a i to make available pre-school education in the relevant regional or minority languages; or***
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or***
- iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or***

615. According to the initial periodical report, Russian is used in the kindergartens of Sarichioi/ Сарикёй, Jurilovca/Журиловка, Slava Cercheză/Черкезская Слава, Târgu-Frumos and Brăila. Pre-school education in Russian is attended by a total of 198 children. However, the Committee of Experts considers that this number is too low in view of the number of Russian speakers in Romania.

616. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to take steps with a view to extending the offer of Russian-language pre-school education.

- b ...***
- iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***

617. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, 553 pupils attend primary schools teaching Russian as an integral part of the curriculum. During the on-the-spot visit, representatives of the Russian speakers informed the Committee of Experts that this educational model covers three lessons per week. The Committee of Experts considers that the number of Russian lessons per week should be increased in order to contribute to the maintenance of Russian as a living language.

618. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the Romanian authorities to increase the number of Russian lessons per week.

- c ...***
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***

619. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, 648 students attend secondary schools teaching partly in Russian (642 at *gymnasium* level, six in high school). Furthermore, 254 students learn Russian as a subject (nine at *gymnasium* level, 245 in high school). The Committee of Experts welcomes the fact that the provision of secondary education partly in Russian goes beyond the requirements of the present undertaking.

620. The Committee of Experts considers this undertaking fulfilled.

- d** *i to make available technical and vocational education in the relevant regional or minority languages; or*
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

621. According to the initial periodical report, eight students attend technical education in Russian in Iași. The Committee of Experts considers that this number is too low considering the number of Russian speakers in Romania and notes that no technical and vocational education is made available in the traditional settlement area of the Russian speakers.

622. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to take steps with a view to extending the offer of teaching in Russian, or teaching Russian as a subject, at technical and vocational education.

e ...

- ii to provide facilities for the study of these languages as university and higher education subjects; or**

623. The initial periodical report does not contain any information about the implementation of this provision for Russian. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

- f** *iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

624. The initial periodical report states that adult education exists, but does not specify this information further with regard to Russian. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

625. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁴⁸

⁴⁸ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322

626. According to the initial periodical report, a textbook entitled “History of Lippovan Russian Culture and Civilisation in Romania” is in use and the history and culture of the Russians in Romania is taught in the Russian minority schools.

627. However, it is not clear to the Committee of Experts to what extent also non-speakers of Russian benefit from the teaching of the history and the culture which is reflected by the Russian language. In their replies to the Committee of Experts’ questionnaire, the Romanian authorities refer to a new optional subject “History of National Minorities” which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to additional information in the next periodical report.

628. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, additional information on how this provision is applied to the Russian language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

629. According to the initial periodical report, the basic training of Russian teachers was organised at the pedagogic schools in Tulcea and Suceava until 1996. The Romanian authorities acknowledge that there is an urgent need to set up this pedagogical profile again to provide the teaching staff needed for Russian language education.

630. Further training is carried out annually in Romania and in Moscow (A. S. Pushkin Institute) on the basis of the intergovernmental programme of cultural and scientific cooperation concluded by Romania and Russia. Furthermore, annual courses are organised by the Distant Education Institute of Moscow and by the State University of Saint Petersburg. Specific events related to continuing training also take place (conferences, courses of teaching methods).

631. The Committee of Experts finds that Romania provides an appropriate infrastructure for the further training of Russian teachers. However, no basic training is organised in Romania and there is a shortage of pre-school teachers. The underlying structural problems seem to be the very low salaries of teachers and the lack of incentives for students to become teachers teaching in minority languages.

632. The Committee of Experts considers this undertaking not fulfilled regarding basic training and fulfilled regarding further training.

The Committee of Experts encourages the Romanian authorities to provide the basic training of a number of teachers that is sufficient to meet the demand for Russian-language education and to introduce incentives for minority language teachers.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

633. For each minority in Romania there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. Apart from this, there are no indications that measures have been taken to implement this provision for Russian. The Committee of Experts underlines⁴⁹ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

634. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

⁴⁹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

635. The initial periodical report does not contain any relevant information about the implementation of this provision for Russian. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

636. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Russian in practice.

637. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Russian.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

638. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

639. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

640. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Russian.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

641. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

642. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Russian.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

643. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

644. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Russian.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

645. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

646. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Russian.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

647. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

648. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Russian.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.***

649. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or***

650. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

651. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

652. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Russian the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

653. The initial periodical report states that the Russian national minority represents the majority of the population in at least six localities in the Tulcea and Constanța counties. There are apparently a number of additional localities with a substantial number of Russian speakers. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a complete list of the localities where the Russian speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

- a ...***
- 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; or***
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or***
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;***

654. Article 10.1 concerns local branches of the central State authorities.

655. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

656. The implementation of this provision is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

657. The initial periodical report states that the county border police inspectorates of Suceava, Botoşani, Galaţi and Iaşi have at their disposal staff able to use Russian as well as translators for Russian.

658. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Russian in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Russian in local branches of the state administration in the Tulcea and Constanţa counties. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

659. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold.

660. According to the initial periodical report, “some” local authorities in the Constanţa and Tulcea counties have at their disposal Russian-speaking staff. In Tulcea county, Russian has been used by local authorities in relations with persons belonging to the Russian minority. As this information is very general, the Committee of Experts asks the Romanian authorities to submit more precise information about the practical implementation in the next periodical report.

661. The Committee of Experts considers this undertaking partly fulfilled. Considering the problems related to the 20%-threshold, the Committee of Experts encourages the Romanian authorities to allow and/or encourage the possibility for users of Russian to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

662. According to the Romanian legislation⁵⁰, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local and county council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

663. The Committee of Experts considers this undertaking not fulfilled.⁵¹ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Russian.

⁵⁰ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁵¹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

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;

664. With regard to the relevant thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2). As regards the Russian language, the Committee of Experts has not received any information about how this provision is applied.

665. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Russian in debates in their assemblies.

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.

666. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

667. The Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority or in the signage.⁵² As regards the Russian language, the use of place-names is limited to a number of bilingual place-name signs (Romanian-Russian). However, the Committee of Experts invites the Romanian authorities to encourage those municipalities having bilingual place-name signs to use all local place-names in the minority language in the relevant domains (street name, public transport and tourist signs or signposts; documents/forms; public relations materials/websites, etc.).

668. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Russian in the next periodical report.

Paragraph 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; or

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

669. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

670. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see

⁵² See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

under 1.4.2 above). In addition, the Committee of Experts has no indications that the provision is implemented in practice.

671. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Russian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

672. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Russian language qualifies for this and how this provision is implemented for Russian in relevant municipalities where the 20%-threshold is not met. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Russian.

- 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.***

673. The initial periodical report does not contain any specific information concerning the application of this undertaking. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this undertaking for Russian.

Paragraph 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.

674. The initial periodical report does not contain any specific information concerning the application of this undertaking. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Russian.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:***

...

- iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

675. According to the initial periodical report, Radio Constanța broadcasts two programmes in Russian: one every Wednesday (30 minutes duration) and another one each Monday (from 23.15 to 24.00, covering news).

676. On public television, Russian is used on TVR 1, TVR 2, TVR3 and TVR Cultural, but the duration of the programmes and intervals are unclear. The Committee of Experts asks the Romanian authorities to submit such information in their next periodical report.

677. The Committee of Experts notes that the broadcasting time devoted to Russian on public radio is relatively limited in light of the number of Russian speakers, which reduces the effectiveness and attractiveness of this broadcasting.⁵³ The Committee of Experts reiterates the great importance of the electronic media for the promotion of minority languages in modern societies. In particular, a regular and predictable presence of a minority language on radio and television can enhance considerably its social prestige.⁵⁴

678. The Committee of Experts considers this undertaking partly fulfilled with respect to radio. Regarding television, it is not in a position to reach a conclusion about the fulfilment of this provision.

The Committee of Experts encourages the Romanian authorities to extend the duration of radio broadcasts in Russian.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

679. It appears from the initial periodical report that no private radio programmes in Russian exist and that the Romanian authorities have not taken any initiatives to encourage the broadcasting of private radio programmes in Russian.

680. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of radio programmes in Russian on a regular basis.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

681. It appears from the initial periodical report that no private television programmes in Russian exist and that the Romanian authorities have not taken any initiative to encourage the broadcasting of private television programmes in Russian.

682. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of television programmes in Russian on a regular basis.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

683. According to the initial periodical report, audio-visual materials (CD and DVD) have been produced and distributed as teaching aids to schools teaching in Russian. No additional information is available.

684. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to take additional measures with a view to encouraging and/or facilitating the production and distribution of audio and audiovisual works in Russian.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

⁵³ See 2nd Evaluation Report on the Slovak Republic, ECRML(2009)8, paragraph 800.

⁵⁴ See 2nd Evaluation Report on Switzerland, ECRML(2004)6, paragraph 118.

685. According to the initial periodical report, the Community of Lippovan-Russians publishes the social-cultural monthly "Dawn". However, the Committee of Experts underlines that a "newspaper" in conformity with the present undertaking has to be published at least weekly.⁵⁵

686. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Russian.

g to support the training of journalists and other staff for media using regional or minority languages.

687. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Russian.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

688. The initial periodical report states that, in municipalities inhabited compactly by the Lippovan Russians, broadcasts from the Russian Federation can be received.

689. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

690. The initial periodical report does not contain any relevant information about the application of this provision to the Russian language. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information on how they implement this provision for Russian.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

⁵⁵ See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654.

691. According to the initial periodical report, the Romanian authorities have provided financial support to the publication of the bilingual cultural magazine “Kitej-grad”. Whereas the report also refers to other cultural activities, it is not clear to what extent they have been supported by the Romanian authorities. Considering the number of Russian speakers in Romania, the support to the cultural magazine alone would not be sufficient to comply with this undertaking.

692. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to inform it, in the next periodical report, about what other cultural activities and facilities receive support from the Romanian authorities.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

693. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

694. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

695. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

696. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

697. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

698. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Russian in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

699. The initial periodical report does not contain any specific information concerning the application of this provision to the Russian language.

700. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Russian, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

701. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival "ProEtnica" in Sighișoara/Schäßburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival "Alternative" (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival "Felsiget" (ibidem). These events may be relevant under this provision if the Russian language has benefited from them and if the events have taken place outside the area where Russian is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report and to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

702. The initial periodical report does not contain any relevant information concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

703. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

704. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Russian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

705. The initial periodical report does not contain any relevant information concerning the application of this provision to the Russian language. In particular, it is not clear what bilateral and multilateral agreements exist pursuant to this provision and how they are applied to the benefit of the Russian language in the fields of culture, education, information, vocational training and permanent education. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

706. The initial periodical report refers to the contacts of the “Community of Lippovan Russians of Romania” with the Russian authorities as well as international organisations of Russian minorities. In this framework, a considerable number of activities in the fields of education and culture have been organised. However, this undertaking is also concerned with co-operation across borders between regional or local authorities, and the report does not contain any information on this aspect. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

2.2.7. Serbian

Article 8 – Education

General issues

707. With regard to the Serbian language, Romania has ratified Articles 8.1.a.ii, b.i and c.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Serbian accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a ...

- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or***

708. According to the initial periodical report, Serbian is used in ten kindergartens in the Caraş-Severin, Timiş and Arad counties which are attended by 267 children. The Committee of Experts welcomes the fact that the provision of pre-school education in Serbian goes beyond the requirements of the present undertaking (bilingual pre-school education).

709. The Committee of Experts considers this undertaking fulfilled.

b i to make available primary education in the relevant regional or minority languages; or

710. According to the initial periodical report, primary education in Serbian is provided for 134 pupils. An additional 252 pupils learn Serbian as a subject. The Committee of Experts considers, however, that the number of 134 pupils enrolled in Serbian-medium education is relatively limited considering the number of Serbian speakers in Romania and that more emphasis should be placed on teaching in Serbian at primary schools.

711. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the Romanian authorities to promote, in co-operation with the representatives of the Serbian speakers, a shift from mainly teaching Serbian as a subject to Serbian-medium education at primary level, in conformity with the present undertaking.

c i to make available secondary education in the relevant regional or minority languages; or

712. According to the initial periodical report, secondary education in Serbian is provided for 89 students (grades 5-8) and 107 students (grades 9-12) respectively. An additional 449 pupils learn Serbian as a subject.

713. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the Romanian authorities, in co-operation with the representatives of the Serbian speakers, to promote a shift from mainly teaching Serbian as a subject to Serbian-medium education at secondary level, in conformity with the present undertaking.

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

714. The initial periodical report does not contain any information about the implementation of this provision for Serbian. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

e ...

ii to provide facilities for the study of these languages as university and higher education subjects; or

715. According to the initial periodical report, Serbian can be studied at the University of Bucharest (Serbian Language Department) and at the University of Timişoara (Slavic Languages Department). At both universities, most of the courses within the aforementioned specialities are taught in Serbian.

716. The Committee of Experts considers this undertaking fulfilled.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

717. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁵⁶

718. According to the initial periodical report, pupils belonging to the Serbian national minority study the subject "The History and Traditions of the Serb Minority" (at grades 6-7).

719. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Serbian benefit from the teaching of the history and the culture which is reflected by the Serbian language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to additional information in the next periodical report.

720. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Serbian language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

721. According to the initial periodical report, further training of Serbian teachers is part of the teaching methods activities organised annually by the "Union of Serbs of Romania" for staff teaching at schools providing teaching in Serbian. However, there is no detailed information about the provision of the basic training of Serbian teachers, nor about how the Romanian authorities support further training.

722. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on how they organise the basic and further training of teachers who are qualified to teach Serbian as a subject as well as to teach other subjects in Serbian.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

723. According to the initial periodical report, the Timiș county School Inspectorate employs an inspector for Serbian who is also in charge of the Caraș-Severin, Arad and Mehedinți counties. Furthermore, for each minority in Romania there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. It appears, however, that no periodic report on the measures taken and progress achieved in establishing or developing the teaching of Serbian has been drawn up.

724. In light of the above, the Committee of Experts underlines⁵⁷ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

⁵⁶ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322

⁵⁷ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131

725. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

726. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Serbian in practice.

727. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Serbian.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

728. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

729. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

730. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Serbian.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

731. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

732. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Serbian.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

733. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

734. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Serbian.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

735. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

736. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Serbian.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

737. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

738. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Serbian.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

739. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2**The Parties undertake:**

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or**

740. The initial periodical report does not contain any information about the implementation of this undertaking.

741. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

742. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

743. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Serbian the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

744. The Committee of Experts has not received any detailed information concerning the demographical situation of the Serbian national minority at local level. From the initial periodical report, it appears that the Serbian minority reaches the 20%-threshold in a few localities in Banat. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Serbian speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

- a ...**
 - 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; or**
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;**

745. Article 10.1 concerns local branches of the central State authorities.

746. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

747. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

748. With regard to the Serbian language, the initial periodical report states that the border police in the settlement area of the Serbian minority has Serbian-speaking officers. It is, however, not clear whether this is the result of a specific human resources policy.

749. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Serbian in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Serbian in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

750. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold.

751. According to the initial periodical report, “some authorities of the local public administration in Caraş-Severin and Mehedinţi counties” employ Serbian-speaking officers. In the Caraş-Severin and Timiş counties, local authorities accept applications submitted by Serbian-speakers in Serbian.

752. The Committee of Experts considers this undertaking partly fulfilled. Considering the problems related to the 20%-threshold, the Committee of Experts encourages the Romanian authorities to allow and/or encourage the possibility for users of Serbian to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

753. According to the Romanian legislation⁵⁸, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. During the on-the-spot visit, the Committee of Experts was informed that Serbian is not used by local authorities in practice.

754. The Committee of Experts considers this undertaking not fulfilled.⁵⁹ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Serbian.

⁵⁸ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁵⁹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

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;

755. With regard to the relevant percentage thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

756. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Serbian in debates in their assemblies.

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.

757. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

758. As far as Serbian is concerned, the use of place-names in this language seems to be limited to the place-name signs of several localities in the Caraş-Severin, Mehedinţi and Timiş counties. During the on-the-spot visit, representatives of the Serbian speakers confirmed that place-names in Serbian are not used in other domains, for example on street name signs. However, the Committee of Experts underlines that the term "place-names" within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names ("la toponymie" in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).⁶⁰

759. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Serbian in the next periodical report.

Paragraph 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; or

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

760. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that "public services" refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

761. Article 19 of the Law on Local Government no. 215/2001 states that "[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party." It is not clear to the Committee of Experts whether the "public institutions subordinated to" local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see

⁶⁰ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

under 1.4.2 above). Besides, there are no indications that this provision has been applied to Serbian in practice.

762. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Serbian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

763. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Serbian language qualifies for this and how this provision is implemented for Serbian in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

- 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.***

764. The initial periodical report does not contain any information about the implementation of this undertaking regarding Serbian. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

765. The initial periodical report does not contain any information about the implementation of this undertaking regarding Serbian. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:***

...

- iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

766. According to the initial periodical report, programmes in Serbian are broadcast by Radio Timișoara (daily, 840 minutes per week) and Radio Reșița (30 minutes per week). During the on-the-spot visit, representatives of the Serbian speakers stated that the radio programmes in Serbian are broadcast at unsuitable times which makes it difficult to listen to them. On the other hand, there are plans to extend the broadcast time in Serbian, which may be an opportunity for the authorities to examine the issue of the broadcast time with the representatives of the Serbian speakers.

767. However, it is not sufficiently clear from the state report whether TVR3 broadcasts a weekly television programme in Serbian.

768. The Committee of Experts considers this undertaking fulfilled regarding radio. With regard to television, the Committee of Experts asks the Romanian authorities to submit specific information in the next periodical report.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

769. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, "Radio Banat Link" in Timișoara broadcasts a private radio programme in Serbian. However, there is no additional information available (for example about the duration of the programme and its target audience). The Committee of Experts asks the Romanian authorities to provide more specific information about the broadcasting of private radio programmes in Serbian in the next periodical report.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

770. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, private television programmes in Serbian are broadcast by "Info TV" in Arad county and "Alfa Omega TV" in Timișoara. Both programmes have each a duration of one hour per week and cover cultural topics for different age groups.

771. The Committee of Experts considers this undertaking fulfilled.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

772. The initial periodical report states that the television channel TVR 3 broadcasts, on a weekly basis, art films in regional or minority languages with subtitling in Romanian. The exchange of movies is based on co-operation agreements between the public television services of Romania and the respective kin-states. An agreement with Serbia has been considered as well, but it is not clear whether the agreement has actually been concluded. No other information about the implementation of this provision for Serbian is available.

773. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

774. According to the initial periodical report, there is a weekly newspaper in Serbian. It is published by the "Union of Serbs of Romania" with the financial support of the Department for Interethnic Relations.

775. The Committee of Experts considers this undertaking fulfilled.

g to support the training of journalists and other staff for media using regional or minority languages.

776. According to the initial periodical report, the Romanian authorities organised in 2008 a seminar on cultural diversity and the media which involved representatives of the national minorities' media. It is not clear whether media using Serbian attended this seminar and to what extent it can qualify as an activity "supporting the training of journalists and other staff for media using" Serbian. Furthermore, the private channel "Info TV Arad" has organised an internal training. The Committee of Experts would need additional information in order to conclude on fulfilment or non-fulfilment.

777. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

778. The initial periodical report states that three television channels from Serbia (TVR Serbia, RTSAT and Pink+) have been included in the RCS-RDS TV cable network in Romania and can be received in the region where Serbian is used. Furthermore, radio programmes from Serbia can be received in that area.

779. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

780. The initial periodical report does not contain relevant information regarding the implementation of this provision for Serbian. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide specific information in the next periodical report.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

781. According to the initial periodical report, the Romanian authorities have provided financial support inter alia to the publication of books in Serbian (including an "Anthology of Serbian Literature"), literature festivals, song festivals, the Serbian Culture Day and theatre activities in Serbian. During the on-the-spot visit, representatives of the Serbian speakers expressed their satisfaction with this support.

782. The Committee of Experts considers this undertaking fulfilled.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

783. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Serbian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

784. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Serbian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

785. Most cultural activities promoting the Serbian language are carried out by the state-funded "Union of the Serbs of Romania". The Committee of Experts considers this undertaking fulfilled.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

786. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

787. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

788. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Serbian in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

789. The initial periodical report does not contain any specific information concerning the application of this provision to the Serbian language.

790. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Serbian, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

791. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Serbian language. Nevertheless, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival "ProEtnica" in Sighișoara/Schäßsburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival "Alternative" (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival "Felsiget" (ibidem). These events may be relevant under this provision if the Serbian language has benefited from them and if the events have taken place outside the area where Serbian is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

792. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Serbian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

793. The initial periodical report does not contain any specific information concerning the application of this provision to the Serbian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

794. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Serbian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;**

795. According to the initial periodical report, the 1996 Treaty on Friendship, Good Neighbourhood and Co-operation between Romania and the (former) Federal Republic of Yugoslavia provides for language and literature exchanges. On the basis of this treaty, lecturers from Serbia are employed at the departments of Slavic languages at the Universities of Bucharest and Timișoara. Furthermore, cross-border programmes are broadcast by Radio Timișoara twice per month in Serbian, Romanian and Hungarian, with the participation of the cities of Subotica/Szabadka (Serbia), Szeged (Hungary) and Timișoara.

796. The Committee of Experts considers this undertaking fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.**

797. The information provided in the initial periodical report deals with cross-border co-operation with Serbia in general but does not contain sufficient detailed information regarding these activities.

798. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit any specific information in the next periodical report.

2.2.8. Slovak

Article 8 – Education

General issues

799. With regard to the Slovak language, Romania has ratified Articles 8.1.a.i, b.i and c.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Slovak accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a i to make available pre-school education in the relevant regional or minority languages; or**

800. According to the initial periodical report, 266 children attend kindergartens in the Arad and Bihor counties which provide pre-school education in Slovak.

801. The Committee of Experts considers this undertaking fulfilled.

- b i to make available primary education in the relevant regional or minority languages; or**

802. According to the initial periodical report, 272 pupils attend primary schools teaching in Slovak. These schools use textbooks specifically developed for Slovak-medium education.

803. The Committee of Experts considers this undertaking fulfilled.

c i to make available secondary education in the relevant regional or minority languages; or

804. According to the initial periodical report, 273 students (*gymnasium*) and 220 students (high school) attend secondary education in Slovak. These schools use textbooks specifically developed for Slovak-medium education.

805. The Committee of Experts considers this undertaking fulfilled.

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

806. The initial periodical report does not contain any information about the implementation of this provision for Slovak. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

e ...

ii to provide facilities for the study of these languages as university and higher education subjects; or

807. According to the initial periodical report, Slovak can be studied at the Faculty of Foreign Languages and Literatures of the University of Bucharest (Department of Slovak language and literature).

808. The Committee of Experts considers this undertaking fulfilled.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

809. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁶¹

810. According to the initial periodical report, the subject "History and traditions of Slovak minority" is taught at grades 6-7 on the basis of a special textbook developed in co-operation with the Slovak speakers.

811. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Slovak benefit from the teaching of the history and the culture which is reflected by the Slovak language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be

⁶¹ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

812. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Slovak language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

813. According to the initial periodical report, the basic training of Slovak teachers is carried out at the Faculty of Foreign Languages and Literatures of the University of Bucharest (Department of Slovak language and literature). Furthermore, further training of the teachers of the schools teaching in Slovak is carried out by the county school inspectorates and the teaching method centre of the University of Banská Bystrica, Slovakia.

814. The Committee of Experts considers this undertaking fulfilled.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

815. According to the initial periodical report, teaching method specialists have been appointed in the Arad, Bihor and Sălaj counties with a view to monitoring Slovak language education. Furthermore, for each minority in Romania there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. It appears, however, that no periodic report on the measures taken and progress achieved in establishing or developing the teaching of Slovak has been drawn up.

816. In light of the above, the Committee of Experts underlines⁶² that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

817. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

818. According to the initial periodical report, the number of Slovak speakers in areas where Slovak has no traditional presence does not justify teaching in/of Slovak. Given that Romania has ratified this undertaking, the Committee of Experts nonetheless considers that the Romanian authorities should, in co-operation with the representatives of the Slovak speakers, take steps with a view to achieving at least a certain level of fulfilment.

819. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to provide information on whether it is feasible to provide teaching in or of Slovak also in areas where this language has not been traditionally used.

⁶² See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

820. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Slovak in practice.

821. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Slovak.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

822. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

823. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

824. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Slovak.

b in civil proceedings:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

825. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

826. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Slovak.

b iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

827. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

828. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Slovak.

c in proceedings before courts concerning administrative matters:

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

829. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

830. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Slovak.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

831. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

832. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Slovak.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

833. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

834. The initial periodical report does not contain any information about the implementation of this undertaking.

835. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

836. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

837. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Slovak the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

838. The Committee of Experts has not received any detailed information concerning the demographical situation of the Slovak national minority at local level. From the initial periodical report (p. 80), it appears that the Slovak minority reaches the 20%-threshold in at least one locality. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Slovak speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

a ...

- 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; or***
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or***
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***
- v to ensure that users of regional or minority languages may validly submit a document in these languages;***

839. Article 10.1 concerns local branches of the central State authorities.

840. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

841. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

842. With regard to the Slovak language, the initial periodical report states that the border police in the Slovak language area has staff who can speak Slovak. It is, however, not clear whether this is the result of a specific human resources policy.

843. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Slovak in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Slovak in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

844. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold.

845. With regard to Slovak, the initial periodical report limits itself to stating that local authorities in the Arad and Bihor counties have replied in Slovak to applications submitted to them in this language. As this information is very general, the Committee of Experts asks the Romanian authorities to submit more precise information about the practical implementation in the next periodical report.

846. The Committee of Experts considers this undertaking partly fulfilled.⁶³ It encourages the Romanian authorities to allow and/or encourage the possibility for users of Slovak to submit oral or written applications in this language to local authorities. Considering the problems related to the 20%-threshold, the Committee of Experts encourages the Romanian authorities to allow and/or encourage the possibility for users of Slovak to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

847. According to the Romanian legislation⁶⁴, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

848. The Committee of Experts considers this undertaking not fulfilled.⁶⁵ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Slovak.

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;

849. With regard to the relevant percentage thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

850. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Slovak in debates in their assemblies.

⁶³ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

⁶⁴ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁶⁵ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

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.

851. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

852. As far as Slovak is concerned, the use of place-names in this language seems to be limited to place-name signs, for example in Nădlac/Nadlak (Arad county) and Budoii/Bodonoș (Bihor county). However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).⁶⁶

853. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Slovak in the next periodical report.

Paragraph 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; or**
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or**

854. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

855. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provision has been applied to Slovak in practice.

856. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Slovak is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

⁶⁶ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

857. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Slovak language qualifies for this and how this provision is implemented for Slovak in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

- 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.***

858. The initial periodical report does not contain any information about the implementation of this undertaking regarding Slovak. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

859. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on its fulfilment and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 11 – Media**Paragraph 1**

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:***

...

- iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

860. According to the initial periodical report, public radio programmes in Slovak are broadcast by Radio Reșița (30 minutes weekly) and Radio Timișoara (one hour each Sunday). There are plans to extend the radio broadcast time in Slovak. The Committee of Experts welcomes these plans and asks the Romanian authorities to report about the development in the next periodical report.

861. On television, TVR3 broadcasts a weekly programme in Slovak with a duration of nine minutes.

862. The Committee of Experts notes that the duration of the radio programmes in Slovak is too short in light of the number of Slovak speakers. Furthermore, the very limited presence of Slovak on television is merely symbolical, which reduces the effectiveness and attractiveness of this broadcasting.⁶⁷ The Committee of Experts reiterates the great importance of the electronic media for the promotion of minority languages in modern societies. In particular, a substantial presence of a minority language on radio and television can enhance considerably its social prestige.

863. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Romanian authorities to extend the duration of radio and television broadcasts in Slovak.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

864. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, Radio Transilvania broadcasts 55 minutes per week in Slovak. The programme addresses different generations, but covers only a limited geographical area in Bihor county.

865. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the broadcasting of radio programmes in Slovak also in other areas where Slovak is used, including Arad county.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

866. It appears from the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts that there are no private television programmes in Slovak.

867. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of private radio programmes in Slovak on a regular basis.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

868. The initial periodical report states that the television channel TVR 3 broadcasts, on a weekly basis, an art film from Slovakia with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and Slovakia. There is no additional information about the application of this provision to Slovak.

869. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to submit, in their next periodical report, additional information about measures taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Slovak.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

870. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Slovak language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

g to support the training of journalists and other staff for media using regional or minority languages.

⁶⁷ See 2nd Evaluation Report on the Slovak Republic, ECRML(2009)8, paragraph 800.

871. According to the initial periodical report, the Faculty of Journalism in Bratislava (Slovakia) offers courses for journalists from Slovak minorities. Two journalists from Romania have attended such training, with financial assistance from the “Democratic Union of the Slovaks and Czechs of Romania”. The Committee of Experts notes, however, that this number is relatively low. Furthermore, there is no information about how the Romanian authorities have trained other staff for media using Slovak.

872. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide, in the next periodical report, additional information as to how they support the training of journalists and other staff for media using Slovak.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

873. The initial periodical report refers to the European Union’s Audiovisual Media Services Directive 2007/65/EC which ensures freedom of reception and retransmissions of audiovisual media services from other EU states. As regards the Slovak language, broadcasts from Slovakia are received in the area where Slovak is used.

874. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

875. The initial periodical report limits itself to stating that “the national minorities are generally represented in such structures.” However, the Committee of Experts would need more specific information about how the Romanian authorities ensure that the interests of the users of Slovak are represented or taken into account within the relevant bodies.

876. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information about the application of this provision to Slovak in the next periodical report.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a** ***to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

877. According to the initial periodical report, the “Democratic Union of Slovaks and Czechs of Romania” receives financial support from the Romanian authorities to cover also cultural activities in Slovak. The Democratic Union’s main publication is the monthly cultural magazine “Naše snahy”, which is bilingual (Slovak and Czech) and has a summary in Romanian. The magazine includes political information, articles of general interest, short stories, poems and studies. It has a supplement (“Naše snahy plus”) which is a quarterly literary magazine in Slovak and Czech. Furthermore, there is a school magazine published in Slovak. In 2008, five books in Slovak were published, and local libraries have books in Slovak. The Slovak language is also used by an amateur theatre and during festivals.

878. The Committee of Experts considers this undertaking fulfilled.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

879. According to the initial periodical report, the Ivan Krasko Society has translated literary works from Slovak into Romanian. It is, however, not clear to the Committee of Experts how the Romanian authorities contribute to the activities of this society and how many translations or other activities relevant under this provision (dubbing, post-synchronisation and subtitling activities) have been carried out in the reporting period.

880. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

881. According to the initial periodical report, the Ivan Krasko Society has translated literary works from Romanian into Slovak. The Committee of Experts refers to its remarks under Article 12.1.b.

882. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

883. Most cultural activities promoting the Slovak language are carried out by the state-funded “Democratic Union of Slovaks and Czechs of Romania”. The Committee of Experts considers this undertaking fulfilled.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

884. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

885. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

886. The initial periodical report does not provide any specific information about this undertaking, but states generally that there is a Slovak ethnographic museum in Nădlac/Nadlak. It is not clear to the Committee of Experts whether this institution performs tasks relevant under this provision.

887. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit more specific information in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

888. The initial periodical report does not contain any specific information concerning the application of this provision to the Slovak language.

889. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Slovak, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

890. According to the initial periodical report, Slovak is not used outside its traditional language area. Considering that Romania has ratified this provision for Slovak, the Committee of Experts encourages the Romanian authorities to consult the representatives of the Slovak speakers about how this provision should be implemented. Besides, the Committee of Experts is aware that the Romanian authorities regularly support several cultural activities which bring together some or all national minorities. These activities include the annual festival "ProEtnica" in Sighișoara/Schäßburg, the Minority Theatre Festival, the National Minorities Day, the Interethnic Film Festival, the documentary film festival "Alternative" (in Târgu Mureș/Marosvásárhely/Neumarkt) and the rock music festival "Felsiget" (ibidem). These events may be relevant under this provision if the Slovak language has benefited from them and if the events have taken place outside the area where Slovak is traditionally used. The Committee of Experts asks the Romanian authorities to clarify this in the next periodical report or to provide information on other relevant activities.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

891. The initial periodical report does not contain any relevant information concerning the application of this provision to the Slovak language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

892. The initial periodical report does not contain any specific information concerning the application of this provision to the Slovak language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

893. The initial periodical report does not contain any specific information concerning the application of this provision to the Slovak language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

894. The initial periodical report states that, pursuant to the “Inter-Ministerial Co-operation Programme in the Domain of Education” concluded between Romania and Slovakia, further training in Slovakia is organised every year for 25 teachers from the schools teaching in Slovak. Based on the same programme, three teachers from Slovakia work at schools of the Slovak minority in Romania. Furthermore, the 2006–2008 Cultural Co-operation Programme between Romania and Slovakia provided inter alia for the organisation of the Slovak Cultural Week, cultural projects, the maintenance of the cultural heritage of the Slovak minority in Romania, co-operation between publishing houses and the editor offices of cultural magazines, translations and co-operation between libraries.

895. The Committee of Experts considers this undertaking fulfilled.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

896. The initial periodical report refers in a general way to cross-border co-operation, for example within the Euroregion “Carpatica”, but does not specify what measures have been carried out by regional or local authorities to the benefit of the Slovak language.

897. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

2.2.9. Turkish

Article 8 – Education

General issues

898. With regard to the Turkish language, Romania has ratified Articles 8.1.a.i, b.i and c.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Turkish accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

899. According to the initial periodical report, two bilingual kindergartens in Constanța and Medgidia use Turkish.

900. However, the Committee of Experts notes that the present undertaking requires that pre-school education in the regional or minority language is made available. This implies the provision of education essentially with the regional or minority language as the medium of instruction. Organising a substantial part of pre-school education in the regional or minority language, as seems to be the case in the aforementioned bilingual kindergartens, is not sufficient because this educational model is covered by the less demanding undertaking under Article 8.1.a.ii that Romania has not ratified.

901. Furthermore, the Committee of Experts considers that the number of only two kindergartens does not adequately correspond to the number of Turkish speakers in Romania.

902. In light of the obligation entered into by Romania, the Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to explore, in co-operation with representatives of the Turkish speakers, the situation of pre-school education in Turkish in order to make available pre-school education in this language.

b i to make available primary education in the relevant regional or minority languages; or

903. According to the initial periodical report, partial teaching in Turkish is organised at four grades of a primary school whose general medium of instruction is Romanian.

904. However, the Committee of Experts notes that the present undertaking requires that primary education in the regional or minority language is made available. This implies the provision of education essentially with the regional or minority language as the medium of instruction. Organising partial teaching in the regional or minority language is not sufficient because this educational model is covered by the less demanding undertaking under Article 8.1.b.ii that Romania has not ratified.

905. Furthermore, the Committee of Experts considers that the number of only one primary school using Turkish does not adequately correspond to the number of Turkish speakers in Romania.

906. In light of the obligation entered into by Romania, the Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available primary education in Turkish.

The Committee of Experts encourages the Romanian authorities to explore, in co-operation with representatives of the Turkish speakers, the situation of primary education in Turkish in order to make available primary education in this language.

c i to make available secondary education in the relevant regional or minority languages; or

907. According to the initial periodical report, partial teaching in Turkish is organised at a secondary school and a high school. At both schools, the general medium of instruction is Romanian.

908. However, the Committee of Experts notes that the present undertaking requires that secondary education in the regional or minority language is made available. This implies the provision of education essentially with the regional or minority language as the medium of instruction. Organising partial teaching in the regional or minority language is not sufficient because this educational model is covered by the less demanding undertaking under Article 8.1.c.ii that Romania has not ratified.

909. Furthermore, the Committee of Experts considers that the number of only two secondary schools using Turkish does not adequately correspond to the number of Turkish speakers in Romania.

910. In light of the obligation entered into by Romania¹¹, the Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available secondary education in Turkish.

The Committee of Experts encourages the Romanian authorities to explore, in co-operation with representatives of the Turkish speakers, the situation of secondary education in Turkish in order to make available secondary education in this language.

- d i to make available technical and vocational education in the relevant regional or minority languages; or***
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or***
- iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;***

911. The initial periodical report does not contain any specific information about the implementation of this provision for Turkish. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

e ...

- ii to provide facilities for the study of these languages as university and higher education subjects; or***

912. According to the initial periodical report, Turkish can be studied at the universities of Constanța and Bucharest.

913. The Committee of Experts considers this undertaking fulfilled.

f ...

- iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;***

914. The initial periodical report does not contain any information about the implementation of this provision for Turkish. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***

915. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁶⁸

916. According to the initial periodical report, there exists a textbook and curriculum for the "History and traditions of the Turkish minority".

⁶⁸ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

917. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Turkish benefit from the teaching of the history and the culture which is reflected by the Turkish language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

918. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Turkish language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

919. According to the initial periodical report, the basic training of Turkish teachers is provided by the Kemal Atatürk National College Medgidia and by the Bucharest and Constanța universities. Further training of Turkish teachers is provided by the schools where they teach. Moreover, the umbrella association of the Turkish minority, the "Turkish Democratic Union in Romania", organises further training in Romania and Turkey. In light of its conclusions with regard to Articles 8.1.a-c above, the Committee of Experts notes, however, that the Romanian authorities do not yet provide for the training of teachers for schools that could teach essentially in Turkish.

920. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Romanian authorities to provide the basic and further training of teachers who would be able to teach in Turkish.

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

921. According to the initial periodical report, a school inspector at the school inspectorate of Constanța county monitors the application of the legislation concerning Turkish language education, proposes strategies on intercultural education development and assesses the need of teacher training. Furthermore, for each minority there are national committees and working groups that co-operate with the authorities to develop the curricula and teaching materials. It appears, however, that no periodic report on the measures taken and progress achieved in establishing or developing the teaching of Turkish has been drawn up.

922. In light of the above, the Committee of Experts underlines⁶⁹ that this undertaking requires a supervisory body or bodies dedicated to looking into minority language education. This body can be an existing body, or a newly established body covering one or several minority languages, which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

923. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide additional information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

⁶⁹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML(2004)1, paragraph 131.

924. In the initial periodical report, no relevant information on the undertaking was given by the Romanian authorities.

925. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide additional information on whether there are sufficient numbers of Turkish speaking children in areas outside Dobruja that would justify teaching in or of Turkish and to what degree the needs of these children are taken care of in the educational system.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

...

ii to guarantee the accused the right to use his/her regional or minority language; and/or

926. According to Article 128.2 of the Romanian Constitution, “Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)”. Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). “Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator” (paragraph 3). However, the Romanian authorities state in the initial periodical report that they have no information about the implementation of this undertaking for Turkish in practice.

927. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Turkish.

a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

928. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

929. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

930. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Turkish.

b in civil proceedings:

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

931. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

932. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Turkish.

- b iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

933. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

934. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Turkish.

c in proceedings before courts concerning administrative matters:

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

935. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

936. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Turkish.

- c iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

937. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

938. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Turkish.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.**

939. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or**

940. The initial periodical report does not contain any information about the implementation of this undertaking.

941. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

942. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

943. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Turkish the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

944. The Committee of Experts has not received detailed information concerning the demographical situation of the Turkish national minority at local level, including about whether this minority reaches the 20%-threshold in certain localities. This has hampered the examination of the application of Article 10. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Turkish speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

- a ...**
 - 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; or**
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;**

945. Article 10.1 concerns local branches of the central State authorities.

946. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

947. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

948. With regard to the Turkish language, the initial periodical report states that the border police in the area where Turkish is used has Turkish-speaking staff. No additional information is provided.

949. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Turkish in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Turkish in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

950. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold. During the on-the-spot visit, the Committee of Experts was informed that in practice it is not possible for users of Turkish to submit oral or written applications in Turkish to local authorities.

951. The Committee of Experts considers this undertaking not fulfilled.⁷⁰ It encourages the Romanian authorities to allow and/or encourage the possibility for users of Turkish to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

952. According to the Romanian legislation⁷¹, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

953. The Committee of Experts considers this undertaking not fulfilled.⁷² It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Turkish.

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;

⁷⁰ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

⁷¹ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁷² See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

954. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. The Committee of Experts would welcome information about the application of this provision regarding counties.

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;

955. With regard to the relevant percentage thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

956. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Turkish in debates in their assemblies.

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.

957. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

958. As far as Turkish is concerned, the use of place-names in this language seems to be limited to place-name signs in Constanța county. This was confirmed by representatives of the Turkish speakers during the on-the-spot visit. However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).⁷³

959. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Turkish in the next periodical report.

Paragraph 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;
or**
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or**
- c to allow users of regional or minority languages to submit a request in these languages.**

960. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

⁷³ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

961. Article 19 of the Law on Local Government no. 215/2001 states that "[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party." It is not clear to the Committee of Experts whether the "public institutions subordinated to" local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provision has been applied to Turkish in practice.

962. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Turkish is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

- b recruitment and, where necessary, training of the officials and other public service employees required;***

963. Local authorities and county councils with responsibility for a territorial administrative unit where more than 20% of the population belong to a national minority must also employ staff speaking the minority language concerned. However, there is no specific information about whether the Turkish language qualifies for this and how this provision is implemented for Turkish in relevant municipalities where the 20%-threshold is not met. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this provision.

- 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.***

964. The initial periodical report does not contain any information about the implementation of this undertaking regarding Turkish. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

965. The initial periodical report does not contain any information about the implementation of this undertaking. The Committee of Experts is therefore not in a position to conclude on its fulfilment and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:***

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

966. According to the initial periodical report, Radio Constanța broadcasts one hour per week in Turkish, covering news and traditional music.

967. With regard to television, the initial periodical report refers to three minority programmes ('Conviețuiri' on TVR1 – one hour per week; 'Autostrada TVR'; 'Telejurnalul Regional' on TVR3) in Turkish. However, the duration of the 'Autostrada TVR' and 'Telejurnalul Regional' programmes are not indicated.

968. The Committee of Experts welcomes the presence of the Turkish language on public radio and television. It notes, however, that the duration of the radio programme of one hour per week is too short in light of the number of Turkish speakers, which reduces the effectiveness and attractiveness of this broadcasting.⁷⁴ The Committee of Experts reiterates the great importance of the electronic media for the promotion of minority languages in modern societies. In particular, a substantial presence of a minority language on radio and television can enhance considerably its social prestige.

969. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to submit information about the duration of television programmes in Turkish in the next periodical report.

The Committee of Experts encourages the Romanian authorities to extend the duration of radio broadcasts in Turkish.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

970. According to the initial periodical report, the Turkish minority has set up "Radio T" (Constanța) which broadcasts every day for nine hours in Turkish, Tatar and Romanian. It is, however, not clear how much time is devoted to the Turkish language. On the basis of the available information, the Committee of Experts is not in a position to reach a conclusion and asks the Romanian authorities to submit additional information in the next periodical report.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

971. There are no private television programmes in Turkish.

972. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to facilitate the broadcasting of private television programmes in Turkish on a regular basis.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

973. According to the initial periodical report, the association of the Turkish minority has produced a CD with Turkish melodies. The Committee of Experts considers that this undertaking requires additional measures in order to be fulfilled.

974. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to facilitate the production and distribution of audio and audiovisual works in Turkish.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

⁷⁴ See 2nd Evaluation Report on the Slovak Republic, ECRML(2009)8, paragraph 800.

975. The Committee of Experts underlines that a “newspaper” in conformity with the present undertaking has to be published at least weekly.⁷⁵ According to the initial periodical report, there exists only a bilingual monthly publication “Haksés”. However, this monthly is not published sufficiently often to qualify as a “newspaper”.

976. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Turkish.

g to support the training of journalists and other staff for media using regional or minority languages.

977. According to the initial periodical report, the editors of the bilingual monthly “Haksés” have attended training courses organised by the Department for Interethnic Relations. Furthermore, training in Romania and Turkey has been organised for the editors of the Turkish-language radio and television programmes. It is, however, not sufficiently clear whether these measures have benefited also other media staff using Turkish. The Committee of Experts considers this undertaking partly fulfilled and asks the Romanian authorities to provide information regarding the training of other media staff in the next periodical report.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

978. According to the initial periodical report, several television channels from Turkey (e.g. Kanal D, Star, Show, TRT International) can be received in Dobruja.

979. The Committee of Experts considers this undertaking fulfilled regarding television and asks the Romanian authorities to supply information about radio broadcasts in the next periodical report.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

980. According to the initial periodical report, the Turkish minority is not represented in the National Council of Audio-Visual Broadcasts, but its interests are considered according to information submitted by its umbrella association. The Committee of Experts asks the Romanian authorities to clarify in more detail in the next periodical report what procedure exists regarding the implementation of this provision for Turkish.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

⁷⁵ See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654.

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

981. According to the initial periodical report, the Romanian authorities have supported a variety of cultural events of the Turkish speakers at local, national and international levels. Furthermore, in the last four years, approximately 30 publications in Turkish covering history, fairy tales for children, culture, religion, anthologies and fiction have been supported. There are two libraries in Constanța which have books in Turkish.

982. The Committee of Experts considers this undertaking fulfilled.

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

983. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Turkish language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

984. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Turkish language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

985. Most cultural activities promoting the Turkish language are carried out by the state-funded "Turkish Democratic Union in Romania". The Committee of Experts considers this undertaking fulfilled.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

986. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

987. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

988. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Turkish in the next periodical report.

- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.***

989. The initial periodical report does not contain any specific information concerning the application of this provision to the Turkish language.

990. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Turkish, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

991. According to the initial periodical report, the “Turkish Democratic Union in Romania” has organised cultural activities also in Hârşova, Brăila, Ghindăreşti, and Galaţi.

992. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

993. The initial periodical report does not contain any specific information (including examples) concerning the application of this provision to the Turkish language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 13 – Economic and social life

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

...

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

994. The initial periodical report does not contain any specific information as to whether the prohibition requested by this undertaking exists in Romanian legislation. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

995. The initial periodical report states that, on the basis of the Exchange Programme on Science, Culture and Education between Romania and Turkey, teachers from Turkey teach at the Kemal Atatürk National College in Medgidia. Several twinnings between schools in Romania and Turkey exist. Furthermore, the “Turkish Democratic Union in Romania” attends regularly cultural and media events in Turkey.

996. The Committee of Experts considers this undertaking fulfilled.

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

997. The initial periodical report refers to cross-border co-operation with Turkey in general, but does not specify how co-operation between local and regional authorities promotes the Turkish language in Romania. The Committee of Experts asks the Romanian authorities to submit more specific information in the next periodical report.

2.2.10. Ukrainian

Article 8 – Education

General issues

998. With regard to the Ukrainian language, Romania has ratified Articles 8.1.a.i, b.i and c.i which put an obligation on the state party to provide minority-language education irrespective of prior demand by parents or students. In practice, however, a minimum number of parents or pupils have to demand the provision of minority-language education. The undertakings chosen oblige the Romanian authorities to provide an offer of minority language education throughout the whole language area. This does not preclude the possibility of not establishing specific classes in minority languages if there are too few pupils. The Committee of Experts refers in this respect to its observations and recommendation under 1.4.3 above, which apply to Ukrainian accordingly.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

999. According to the initial periodical report, Ukrainian is used in 58 kindergartens. However, there is unclear information as to whether Ukrainian is the main medium of education or whether the pre-schools concerned are only bilingual. In view of the undertaking entered into by Romania, the Committee of Experts asks the Romanian authorities to clarify in the next periodical report how many children are enrolled at kindergartens that offer pre-school education in Ukrainian.

b i to make available primary education in the relevant regional or minority languages; or

1000. According to the replies to the Committee of Experts' questionnaire, 100 pupils attend primary education in Ukrainian. As more specific information is lacking, the Committee of Experts asks the Romanian authorities to indicate in their next periodical report how many lessons in Ukrainian per week correspond to this educational model.

1001. The Committee of Experts notes that the number of 100 pupils is clearly too low in light of the number of Ukrainian speakers in Romania. On the other hand, a significantly higher number of primary school pupils (2 849) learn Ukrainian as a subject. The Committee of Experts is of the view that the Romanian authorities should, in close co-operation with the representatives of the Ukrainian speakers, develop a strategy which promotes the model of Ukrainian-medium education among parents and pupils with a view to making available primary education in Ukrainian.

1002. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to promote a shift from the model of teaching Ukrainian only as a subject to teaching in Ukrainian, in conformity with the undertaking chosen.

c i to make available secondary education in the relevant regional or minority languages; or

1003. According to the initial periodical report, 274 students attend secondary education in Ukrainian (33 at secondary schools, 241 at high schools). The “Taras Şevcenko Ukrainian General Education High School” in Sighetu Marmatiei (Maramureş county) teaches all subjects in Ukrainian.

1004. A significantly higher number of secondary school pupils (3 237) learn Ukrainian as a subject. The Committee of Experts is of the view that the Romanian authorities should, in close co-operation with the representatives of the Ukrainian speakers, develop a strategy which promotes the model of Ukrainian-medium education among parents and pupils with a view to making available secondary education in Ukrainian.

1005. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to promote a shift from the model of teaching Ukrainian only as a subject to teaching in Ukrainian, in conformity with the undertaking chosen.

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

1006. According to the initial periodical report, no pupils or parents have requested technical and vocational education in Ukrainian or teaching of Ukrainian within technical and vocational education.

1007. However, the Committee of Experts is of the view that, owing to the success of the “Taras Şevcenko Ukrainian General Education High School”, there is good ground for supposing that a number of students would be interested in learning Ukrainian at least as a subject within technical and vocational education. The Romanian authorities should therefore, in close co-operation with the representatives of the Ukrainian speakers, explore the possibility to make available technical and vocational education in Ukrainian or teaching of Ukrainian in technical and vocational schools.

The Committee of Experts encourages the Romanian authorities to develop, in close co-operation with the representatives of the Ukrainian speakers, a strategy for teaching in or of Ukrainian at the different levels of education, in conformity with the undertakings entered into under the Charter.

e i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

1008. According to the initial periodical report, Ukrainian can be studied at the universities of Bucharest, Cluj-Napoca and Suceava. This offer covers the areas where most Ukrainian speakers live.

1009. The Committee of Experts considers this undertaking fulfilled.

f iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

1010. According to the initial periodical report, Ukrainian is currently not offered as a subject of adult and continuing education.

1011. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to favour and/or encourage the offering of Ukrainian as a subject of adult and continuing education.

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

1012. The Committee of Experts notes that the present undertaking concerns not only education for pupils using a minority language, but also education for non-speakers about the specific history and traditions related to the minority language spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.⁷⁶

1013. According to the initial periodical report, the subject "History and traditions of the Ukrainian minority" is taught at grades six and seven. Work is underway to draft a bilingual textbook.

1014. It is, however, not clear to the Committee of Experts to what extent also non-speakers of Ukrainian benefit from the teaching of the history and the culture which is reflected by the Ukrainian language. In their replies to the Committee of Experts' questionnaire, the Romanian authorities refer to a new optional subject "History of National Minorities" which is taught in the tenth grade at 40 high schools in Romania. Furthermore, owing to the revision of the Law on National Education in 2011, new history and geography textbooks will be published and reflect the history and traditions of the national minorities. The Committee of Experts commends the Romanian authorities on these positive initiatives and looks forward to receiving additional information in the next periodical report.

1015. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking. It asks the Romanian authorities to provide, in the next periodical report, specific information on whether also non-speakers benefit from the teaching of the history and the culture which is reflected by the Ukrainian language.

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

1016. According to the initial periodical report, the Ministry of Education and the "Union of Ukrainians in Romania" organise and finance the training of Ukrainian teachers in Ukraine. As no additional information is available, the Committee of Experts asks the Romanian authorities to elaborate on the organisation of both basic training as well as further training of Ukrainian teachers in the next periodical report.

⁷⁶ See for example 2nd Report of the Committee of Experts in respect of Croatia, ECRML2005(3), paragraph 100; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML2009(6), paragraph 322.

1017. The Committee of Experts is not in a position to conclude on the fulfilment of this provision. It asks the Romanian authorities to provide more information on the basic and further training of the teachers required to implement their undertakings under Article 8.1.a-g.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

1018. According to the initial periodical report, the General Directorate for Education in Minority Languages and Relations with Parliament of the Ministry of Education, through school inspectorates in the counties with Ukrainian-language schools, monitors education for the Ukrainian minority. The ministry deals with proposals for improving the education framework, the curricula and textbooks for education in Ukrainian. In the general reports of the ministry data are included about the results obtained in examinations. The ministry is supported by the umbrella association of the Ukrainian minority ("Union of the Ukrainians of Romania") which draws up periodical reports about Ukrainian-language education that are published in their own press.

1019. Considering that the present undertaking addresses primarily the authorities, the Committee of Experts asks the Romanian authorities to clarify in the next periodical report whether the general reports drawn up by the Ministry of Education contain comprehensive information about the measures taken and progress achieved in establishing or developing Ukrainian-language education, at what intervals they are drawn up, and if they are made public. It is also not clear to the Committee of Experts to what degree the reports drawn up by the Union of the Ukrainians of Romania possess any authoritative value for the educational authorities.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

1020. According to the initial periodical report, no wishes for teaching in or of Ukrainian in regions other than those inhabited traditionally by Ukrainian speakers have been expressed. Given that Romania has ratified this undertaking, the Committee of Experts nonetheless considers that the Romanian authorities should, in co-operation with the representatives of the Ukrainian speakers, promote this possibility among Ukrainian speakers with a view to achieving at least a certain level of fulfilment.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a in criminal proceedings:***

...

- ii to guarantee the accused the right to use his/her regional or minority language; and/or***

1021. According to Article 128.2 of the Romanian Constitution, "Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law (...)". Furthermore, Article 14 of Law no. 304/2004 on the Judicial System stipulates the right of citizens belonging to national minorities to express themselves in their own language before courts (paragraph 2). "Where one or more parties require expressing themselves in their own language, the court shall provide, free of charge, an authorised interpreter or translator" (paragraph 3). However, the Romanian authorities state in the initial

periodical report that they have no information about the implementation of this undertaking for Ukrainian in practice.

1022. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about its practical implementation concerning Ukrainian.

- a iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or**

1023. According to Article 14.5 of Law no. 304/2004 on the Judicial System, “[a]pplications and procedural provisions shall be made only in Romanian.” Furthermore, Article 128.1-2 of the Code of Criminal Procedure foresees the free use of an interpreter and the translation of documents only in cases where the party concerned “does not speak Romanian”.

1024. The Committee of Experts understands that “applications” in accordance with Article 14.5 of Law on the Judicial System cover “requests” within the meaning of this Charter provision, which makes requests in a minority language inadmissible. In addition, written or oral evidence can only be delivered if the person concerned does not master Romanian. However, Article 9.1.a.iii of the Charter applies irrespective of whether a party speaks Romanian, especially since most persons belonging to national minorities in Romania do speak the majority language. Limiting the possibility to deliver written or oral evidence to persons who do not speak Romanian would render this undertaking meaningless in most cases. On the other hand, the Committee of Experts observes that Romanian legislation does not contain this restriction with regard to the right of the accused to use a minority language (see Article 9.1.a.ii above).

1025. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Ukrainian.

- b in civil proceedings:**

...

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

if necessary by the use of interpreters and translations;

1026. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

1027. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking for Ukrainian.

- b iii to allow documents and evidence to be produced in the regional or minority languages,**

if necessary by the use of interpreters and translations;

1028. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

1029. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Ukrainian.

- c in proceedings before courts concerning administrative matters:**

...

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

if necessary by the use of interpreters and translations;

1030. The Committee of Experts refers to its examination concerning Article 9.1.a.ii of the Charter, which applies accordingly.

1031. The Committee of Experts considers this undertaking formally fulfilled. It asks the Romanian authorities to provide, in the next periodical report, specific information about the practical implementation of this undertaking concerning Ukrainian.

c iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1032. The Committee of Experts refers to its examination concerning Article 9.1.a.iii of the Charter, which applies accordingly.

1033. The Committee of Experts asks the Romanian authorities to clarify, in the next periodical report, whether the legal set-up allows in practice that requests and evidence, whether written or oral, may be produced in Ukrainian.

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

1034. In light of the conclusions reached regarding sub-paragraph iii of paragraphs b and c above, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

Paragraph 2

The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

1035. The initial periodical report does not contain any information about the implementation of this undertaking.

1036. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to provide, in the next periodical report, information about its implementation.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

1037. According to the replies submitted by the Romanian authorities to the Committee of Experts' questionnaire, this provision is only implemented for Hungarian.

1038. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to make available in Ukrainian the most important national statutory texts and those relating particularly to users of this language, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

1039. The Committee of Experts has not received any detailed information concerning the demographical situation of the Ukrainian national minority at local level. From the initial periodical report, it appears that the Ukrainian minority reaches the 20%-threshold in a number of localities. The Committee of Experts asks the Romanian authorities to submit, in the next periodical report, a list of the localities where the Ukrainian speakers live in numbers relevant for the purposes of Article 10, keeping in mind its recommendation regarding the 20%-threshold (see under 1.4.2).

Paragraph 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:

a ...

- 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; or***
- iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or****
- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***
- v to ensure that users of regional or minority languages may validly submit a document in these languages;***

1040. Article 10.1 concerns local branches of the central State authorities.

1041. Provisions a.ii – a.v represent alternative options. As Romania has chosen option a.ii, options a.iii, a.iv and a.v become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a.ii only.

1042. The implementation of this undertaking is hampered by the 20%-threshold. The Committee of Experts refers in this respect to the observations and recommendation that it has made above (see under 1.4.2).

1043. With regard to the Ukrainian language, the initial periodical report states that the police inspectorates of the Maramureş, Botoşani, Suceava and Tulcea counties have recruited policemen who can speak Ukrainian. The availability of Ukrainian-speaking staff is particularly developed in Maramureş county (80 policemen and one translator).

1044. The Committee of Experts welcomes the information from the Romanian authorities on their efforts undertaken in the police administration. The state report, however, does not contain any information on the use of Ukrainian in the realm of other administrative bodies of the state administration. In order to conclude on fulfilment or non-fulfilment, the Committee of Experts needs more information on the use of Ukrainian in local branches of the state administration. It asks the Romanian authorities to provide such information in the next periodical report.

Paragraph 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:

...

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***

1045. According to Articles 2.2 and 8.1-2 of Government Decision no. 1206/2001, citizens belonging to national minorities have the right to address oral or written requests to local authorities and the local and county councils and to receive an answer in Romanian and the minority language. The exercise of this right is linked to the 20%-threshold.

1046. As regards the practical implementation, the initial periodical report limits itself to stating that local authorities in the Caraş-Severin, Maramureş and Tulcea counties have replied in Ukrainian to applications submitted to them in this language. As this information is very general, the Committee of Experts asks the Romanian authorities to submit more precise information about the practical implementation in the next periodical report.

1047. The Committee of Experts considers this undertaking partly fulfilled.⁷⁷ Considering the problems related to the 20%-threshold, the Committee of Experts encourages the Romanian authorities to allow and/or encourage the possibility for users of Ukrainian to submit oral or written applications in this language to local authorities.

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

1048. According to the Romanian legislation⁷⁸, citizens belonging to national minorities are entitled to be informed, in their mother tongue, about the agenda of the local council meetings and of the normative and individual decisions adopted by them. However, the implementation of this possibility is limited to municipalities where the national minority in question reaches 20% of the population. In addition, the Committee of Experts has no indications that it is exercised in practice.

1049. The Committee of Experts considers this undertaking not fulfilled.⁷⁹ It encourages the Romanian authorities to allow and/or encourage the publication by local authorities of their official documents also in Ukrainian.

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;

1050. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, public administration in Romania is established only at the central and local levels. However, in the perspective of the Committee of Experts the counties may qualify as regions in the sense of the Charter. The Committee of Experts would welcome information on the implementation of this provision regarding counties.

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;

1051. With regard to the relevant percentage thresholds, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

1052. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to allow and/or encourage the use by local authorities of Ukrainian in debates in their assemblies.

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.

1053. With regard to the 20%-threshold, the Committee of Experts refers to the observations and recommendation that it has made above (see under 1.4.2).

⁷⁷ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 479-480.

⁷⁸ Articles 39, 50 and 94.8 of the Law on Local Administration no. 215/2001; Articles 2.2 and 7.1-2 of Government Decision no. 1206/2001 for approving the Rules for implementing the provisions concerning the right of citizens belonging to national minorities to use their mother tongue in local government, contained in the Law on Local Administration no. 215/2001.

⁷⁹ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraphs 482-483.

1054. As far as Ukrainian is concerned, the use of place-names in this language seems to be limited to place-name signs. However, the Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of the municipality, but all topographical names (“la toponymie” in the French version of the Charter) of that municipality that can be officially used, for example in texts produced by the local authority (e.g. documents, forms, public relations material, websites) or in the signage (e.g. street name signs, signposts and public transport signs, inscriptions for tourists).⁸⁰

1055. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to provide more information on the use of place-names in Ukrainian in the next periodical report.

Paragraph 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; or***
- b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or***
- c to allow users of regional or minority languages to submit a request in these languages.***

1056. Undertakings a, b and c represent alternative options. As Romania has chosen option a, options b and c become redundant. In line with its practice, the Committee of Experts will *ex officio* examine option a only. Furthermore, the Committee of Experts wishes to emphasise that “public services” refers to services provided by the administrative authorities or other persons acting on their behalf (e.g. railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, cemeteries, sporting facilities, entertainment venues).

1057. Article 19 of the Law on Local Government no. 215/2001 states that “[i]n the territorial-administrative units where citizens belonging to national minorities have a share of over 20% of residents, the local government authorities and public institutions subordinated to them shall ensure their use of decentralized public services in their mother tongue, according to the Constitution, the present law and international treaties to which Romania is party.” It is not clear to the Committee of Experts whether the “public institutions subordinated to” local authorities cover public services in conformity with the present Charter provision. Even if they cover public services, the problem remains that the implementation is linked to the 20%-threshold (see under 1.4.2 above). Besides, there are no indications that this provision has been applied to Ukrainian in practice.

1058. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Romanian authorities to ensure that Ukrainian is used in the provision of public services in practice and asks them to clarify the national legal basis for the implementation of this provision.

Paragraph 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:

...

⁸⁰ See e.g. 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 232.

b recruitment and, where necessary, training of the officials and other public service employees required;

1059. According to the initial periodical report, "some" local authorities in the Botoşani, Caraş-Severin, Maramureş, Suceava and Tulcea counties have Ukrainian-speaking officials.

1060. The Committee of Experts considers this information too general in order to reach a conclusion. It asks the Romanian authorities to provide, in the next periodical report, information on their staffing policy with regard to State, regional and local authorities as well as public service providers that use Ukrainian.

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.

1061. The initial periodical report does not contain any information about the implementation of this undertaking regarding Ukrainian. The Committee of Experts asks the Romanian authorities to provide information regarding measures taken in accordance with this undertaking.

Paragraph 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.

1062. According to the initial periodical report, Ukrainian family names are spelled only in accordance with the Romanian spelling. It is unclear to the Committee of Experts whether this remark refers to the use of the Cyrillic script, transliteration, or use of original versions of names.

1063. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify this issue in the next periodical report.

Article 11 – Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

...

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

1064. According to the initial periodical report, public radio programmes in Ukrainian are broadcast weekly by Radio Cluj (15 minutes), Radio Timişoara (30 minutes), Radio Reşiţa (20 minutes) and Radio Iaşi (20 minutes).

1065. Public television programmes in Ukrainian are broadcast on TVR1, TVR2, TVR3, TVR Cultural and TVR Internaţional as well as on TVR Cluj, TVR Iaşi, TVR Timişoara and TVR Craiova. While the duration of the programme on TVR3 is 20 minutes per week, there is no such information about the other channels.

1066. According to the initial periodical report, representatives of the Ukrainian speakers have voiced their dissatisfaction about the limited broadcasting time. In light of this, the Committee of Experts welcomes the intention of the Romanian authorities to increase the broadcasting time in Ukrainian and encourages them to pursue such steps in co-operation with the Ukrainian speakers.

1067. The Committee of Experts considers this undertaking partly fulfilled concerning radio. It asks the Romanian authorities to provide information about the broadcast time of the television programmes in Ukrainian in the next periodical report.

The Committee of Experts encourages the Romanian authorities to extend the broadcasting time of programmes in Ukrainian on public radio.

b ...

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

1068. The initial periodical report does not contain any information concerning the application of this provision to the Ukrainian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit information about private radio programmes in Ukrainian in the next periodical report.

c ...

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

1069. The initial periodical report does not contain any information concerning the application of this provision to the Ukrainian language. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit information about private television programmes in Ukrainian in the next periodical report.

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages

1070. The initial periodical report states that the television channel TVR 3 broadcasts, on a weekly basis, an art film from Ukraine with subtitling in Romanian. The exchange of movies has been agreed in the framework of a co-operation agreement between the public television services of Romania and Ukraine.

1071. The Committee of Experts considers this undertaking partly fulfilled. It asks the Romanian authorities to submit, in their next periodical report, additional information about measures taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Ukrainian.

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

1072. The Committee of Experts underlines that a “newspaper” in conformity with the present undertaking has to be published at least weekly.⁸¹ According to the initial periodical report, the Romanian authorities provide financial assistance to two magazines. However, neither of them is published sufficiently often to qualify as a “newspaper”.

1073. The Committee of Experts considers this undertaking not fulfilled. It encourages the Romanian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Ukrainian.

g to support the training of journalists and other staff for media using regional or minority languages.

1074. The initial periodical report acknowledges a lack of minority-language journalists. However, the Department for Interethnic Relations has organised journalism courses for editors belonging to the Ukrainian minority. It is, however, not sufficiently clear whether these measures have benefited also journalists as well as other media staff using Ukrainian. The Committee of Experts is currently not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to clarify this in the next periodical report.

⁸¹ See 1st Report of the Committee of Experts in respect of Serbia, ECRML(2009)2, paragraph 267; 2nd Report of the Committee of Experts in respect of the Slovak Republic, ECRML(2009)8, paragraph 654

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

1075. According to the initial periodical report, radio and television broadcasts from Ukraine may be directly received by cable or satellite in the areas where the Ukrainian speakers in Romania live. The retransmission of radio and television programmes from Ukraine is based on an agreement concluded by the Romanian National Council for the Audiovisual with the Ukrainian authorities.

1076. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

1077. According to the initial periodical report, journalists belonging to different minorities were appointed in the Boards of Administration of the public Radio and Television Societies. Moreover, in the management of the National Council for the Audiovisual experts belonging to minorities were appointed to represent their interests. It is, however, not sufficiently clear to what extent the Ukrainian speakers benefit from such arrangements. The Committee of Experts asks the Romanian authorities to specify, in the next periodical report, how this provision is applied to Ukrainian.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

1078. According to the initial periodical report, the Romanian authorities have provided financial support to the publication of books in Ukrainian (up to 15 per year) covering fiction, linguistics, history, folklore and poetry, and to book presentations and poetry contests. Furthermore, financial support has been provided to various cultural events of the Ukrainian minority and to four magazines in Ukrainian. There is also a magazine for children in Ukrainian.

1079. The Committee of Experts considers this undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

1080. According to the initial periodical report, the state-funded “Union of Ukrainians in Romania” has carried out book translations from Ukrainian, especially poetry.

1081. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to also support dubbing, post-synchronisation and subtitling activities.

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

1082. According to the initial periodical report, the state-funded “Union of Ukrainians in Romania” has also carried out book translations into Ukrainian.

1083. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Romanian authorities to also support dubbing, post-synchronisation and subtitling activities.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

1084. Most cultural activities promoting the Ukrainian language are carried out by the state-funded “Union of Ukrainians in Romania”. The Committee of Experts considers this undertaking fulfilled.

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

1085. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

1086. The Committee of Experts refers to its examination under Article 12.1.d, which applies accordingly. The Committee of Experts considers this undertaking fulfilled.

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

1087. According to the replies by the Romanian authorities to the questionnaire submitted to them by the Committee of Experts, the National Library of Romania keeps copies of documents of the national minorities. The Committee of Experts notes, however, that the scope of this provision extends beyond the collection activities usually carried out by national libraries. It asks the Romanian authorities to submit information concerning audiovisual materials and publication of works in Ukrainian in the next periodical report.

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

1088. The initial periodical report does not contain any specific information concerning the application of this provision to the Ukrainian language.

1089. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit the relevant information, especially commenting on any need to develop necessary terminology in Ukrainian, in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

1090. According to the initial periodical report, folk music ensembles of the Ukrainian minority attend festivals, with the support of the Romanian authorities, in different parts of the country, including areas where Ukrainian is not traditionally present.

1091. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

1092. The initial periodical report states that, on the basis of the protocol of co-operation between the ministries of culture of Romania and Ukraine, a series of annual joint cultural activities are carried out. Moreover, a series of activities related to libraries, museums and festivals are carried out, based on the bilateral treaty of friendship and co-operation.

1093. However, it is not clear to what extent these activities contribute to increasing awareness of the Ukrainian language in Romania in the context of Romania's cultural policy abroad, including countries other than Ukraine. The Committee of Experts asks the Romanian authorities to clarify this aspect in the next periodical report.

Article 13 – Economic and social life**Paragraph 1**

With regard to economic and social activities, the Parties undertake, within the whole country:

...

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

1094. The initial periodical report does not contain any information about whether Romanian legislation contains the prohibition requested by this provision. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and asks the Romanian authorities to submit such information in the next periodical report.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

1095. According to the initial periodical report, the bilateral treaty concluded between Romania and Ukraine in 1997 also includes a chapter concerning the protection of the persons belonging to the Romanian minority in Ukraine and to the Ukrainian minority in Romania respectively. Based on this treaty, regular meetings of the joint committees or commissions for co-operation take place. In the field of education, teachers from Ukraine teach in the Ukrainian language in Suceava county, in conformity with a protocol of co-operation signed by Romania and Ukraine for the 2008-2011 school years. An additional bilateral protocol has been concluded which gives students belonging to the Ukrainian minority in Romania the possibility to obtain

scholarships for study in Ukraine. In the field of the media, the retransmission of radio and television programmes from Ukraine is based on an agreement concluded by the Romanian National Council for the Audiovisual with the Ukrainian authorities.

1096. The Committee of Experts considers this undertaking fulfilled.

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

1097. It is not clear to what extent the cross-border co-operation referred to in the initial periodical report is to the benefit of the Ukrainian language in Romania. The Committee of Experts asks the Romanian authorities to submit more specific information in their next periodical report.

Chapter 3 Findings of the Committee of Experts in the initial monitoring cycle

A. When preparing ratification of the Charter, the Romanian authorities adopted a transparent and inclusive approach. They consulted the minority associations with regard to the instrument of ratification and kept the Council of Europe informed about the progress. After the entry into force of the Charter, the minority associations were invited to contribute to the drafting of the initial periodical report. The co-operation with the authorities and minority associations during the on-the-spot visit was exemplary.

B. Romania has a long tradition in promoting minority languages and shows best practice in a number of cases. Examples include teaching in several minority languages, the trilingualism of the Babeş-Bolyai University, the developed offer of private radio and television broadcasts in Hungarian, the Jewish State Theatre performing in Yiddish and the involvement of the national minorities in the decision-making process (guaranteed representation of each minority in Parliament and in the Council of National Minorities).

C. The initial periodical report was submitted by Romania with a delay of 18 months. However, it does not provide sufficient information on the application of the Charter provisions. It contains no information on the practical application of Articles 9 and 13 and only partial information on Article 10. Moreover, the information was frequently too general to permit the Committee of Experts to reach a conclusion on the fulfilment of each undertaking. The Committee of Experts is in need of more concrete information on the application of a large number of undertakings in respect of each regional or minority language.

D. There exists no structured approach for the application of each of the obligations entered into by Romania under the Charter, involving the different levels of institutions and clarifying their responsibilities for its implementation. In some cases, the information regarding the obligations arising from the Charter provided by the State to the responsible local authorities is insufficient. There is a need to define, in co-operation with the representatives of the minority language speakers as well as local authorities, concrete steps and a time-frame to implement all the undertakings which are not yet fulfilled. Furthermore, measures taken by the Government in response to the financial crisis may disproportionately affect the promotion of minority languages.

E. Regarding Part II, the Romanian authorities support a basic infrastructure for almost each of the languages concerned, comprising associations, libraries, cultural groups, publishing houses and print media. Considering the low number of speakers, the Romanian authorities take commendable steps in promoting Yiddish. Apart from Albanian, Ruthenian and Yiddish, all Part II languages are taught in school. However, the educational offer in Tatar is inadequate in view of the number of speakers.

F. Romania supports a high number of projects to the benefit of Romani, especially in the media and in higher education. Romani can also be used in dealings with the authorities. There is a need to continue developing a comprehensive offer of Romani teaching, taking account of the needs and wishes of the speakers of regional and local varieties of Romani.

G. Regarding the Part III languages, Romania has undertaken commendable steps in providing an infrastructure for minority language education. On the whole, the Romanian educational system guarantees a high level of support for minority languages. In most cases, education in the minority language as a medium of instruction is provided at all levels. However, for Turkish and Ukrainian the existing offer does not correspond to Romania's undertakings under the Charter. The educational offer in Turkish is particularly underdeveloped and needs decisive efforts to live up to the undertakings under the Charter, reflecting the relatively high number of speakers. Concerning the smaller language groups such as Bulgarian, Croatian, Czech, Serbian and Slovak, the traditional educational model of teaching in the minority language seems to cover only a relatively small part of the language group. There is a need to develop a viable model of teaching these languages outside the strongholds of these language communities. With regard to Hungarian and German, there is a shortage of teachers which significantly hampers the educational system and in particular the continuity between the different levels of education. Concerning Ukrainian and Turkish, there is a clear shortage of teachers trained to teach in the minority language as a medium of instruction.

H. Romanian legislation limits the application of several provisions of Article 10 to municipalities where 20% of the population belong to a national minority. In light of the Committee of Experts' standing interpretation of the Charter, the 20%-threshold appears too high as it deprives minority languages whose speakers do not attain it in a single municipality, or only in some municipalities, of full protection under Article 10. Therefore, the implementation of Article 10 presupposes that the Romanian authorities reconsider the existing thresholds. Even in places where the threshold is met, practical implementation of the undertakings is mostly lacking. Furthermore, the use of place-names in minority languages needs to become more consistent in the municipalities concerned. The minority languages appear to be largely absent from the provision of public services.

I. In the broadcast media, the offer of minority language broadcasting exists for all Part III languages, and for some of them the offer is quite satisfactory. However, in regard of other minority languages, the programming time is too limited. For some languages, the presence on television remains merely symbolical. Furthermore, with regard to some Part III languages (Bulgarian, Czech, Russian, Turkish and Ukrainian), there are no daily or weekly newspapers.

J. For most minority languages, there exists a comprehensive offer of cultural activities. The authorities fund cultural associations and cultural activities as well as activities involving all or most minority languages.

K. Textbooks about the history and culture of most of Romania's national minorities have been developed to serve as a basis for history and culture courses in minority language education. Mutual understanding between the majority and the minorities as well as among minorities, however, seems to be hampered by deficiencies in the teaching of the history and culture of national minorities in mainstream education. More efforts are needed to promote knowledge about the history and culture of Romania's national minorities in the textbooks and educational materials designed for pupils belonging to the majority population.

The Romanian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Romania. At the same time it emphasised the need for the Romanian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1145th meeting on 13 June 2012, the Committee of Ministers adopted its Recommendation addressed to Romania, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



Romania:

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that:

1. The provisions of the Charter shall apply to the following minority languages used on the territory of Romania:

- a) Albanian language;
- b) Armenian language;
- c) Bulgarian language;
- d) Czech language;
- e) Croatian language;
- f) German language;
- g) Greek language;
- h) Italian language;
- i) Yiddish language;
- j) Macedonian language;
- k) Hungarian language;
- l) Polish language;
- m) Romany language;
- n) Russian language;
- o) Ruthenian language;
- p) Serbian language;
- q) Slovak language;
- r) Tatar language;
- s) Turkish language;
- s) Ukrainian language.

2. For the purpose of the Romanian law, the regional or minority languages refer to the languages of the national minorities.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 3

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that, in accordance with Article 2, paragraph 1, of the Charter, the provisions of Part II of the Charter shall apply to the following regional or minority languages:

- a) Albanian language;
- b) Armenian language;
- c) Greek language;
- d) Italian language;
- e) Yiddish language;
- f) Macedonian language;
- g) Polish language;
- h) Romany language;
- i) Ruthenian language;
- j) Tatar language.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 2

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that, in accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the Charter, the following provisions included in Part III of the Charter shall apply to the following national minorities languages:

a) Bulgarian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(ii), b(ii), c(iii), d(iv), e(ii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, c, d, e, f, g;
- paragraph 3, sub-paragraphs a, b, c;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

b) Czech language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(ii), b(ii), c(iii), d(iv), g, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, c, d, e, f, g;
- paragraph 3, sub-paragraphs a, b, c;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

c) Croatian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(ii), e(iii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, f, g;
- paragraph 3, sub-paragraphs a, b;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), c(ii), d, e(i), g;
- paragraph 2;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

d) German language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d(i), e(i), f(iii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v), b, c;
- paragraph 2, sub-paragraphs b, c, d, e, f, g;
- paragraph 3, sub-paragraphs a, b, c;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), d, e(i), f(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b, c;
- paragraph 2, sub-paragraphs c, d, e;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

e) Hungarian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d(i), e(i), f(i), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v), b, c;
- paragraph 2, sub-paragraphs b, c, d, e, f, g;
- paragraph 3;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(ii), b(i), c(i), d, e(i), f(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1;
- paragraph 2, sub-paragraphs c, d, e;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

f) Russian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(iii), b(iii), c(iii), d(iv), e(ii), f(iii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, f, g;
- paragraph 3, sub-paragraphs a, b;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

g) Serbian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(ii), b(i), c(i), d(iv), e(ii), g, h, i;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, f, g;
- paragraph 3, sub-paragraphs a, b;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

h) Slovak language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d(iv), e(ii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, f, g;
- paragraph 3, sub-paragraphs a, b;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraphs a, b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

i) Turkish language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d(iv), e(ii), f(iii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, e, f, g;
- paragraph 3;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraph b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b;

j) Ukrainian language:

. Article 8 - Education:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d(iv), e(iii), f(iii), g, h, i;
- paragraph 2;

. Article 9 - Justice:

- paragraph 1, sub-paragraphs a(ii), a(iii), b(ii), b(iii), c(ii), c(iii), d;
- paragraph 2, sub-paragraph a;
- paragraph 3;

. Article 10 - Administrative authorities and public services:

- paragraph 1, sub-paragraphs a(ii), a(iii), a(iv), a(v);
- paragraph 2, sub-paragraphs b, d, e, f, g;
- paragraph 3, sub-paragraphs a, b, c;
- paragraph 4, sub-paragraphs b, c;
- paragraph 5;

. Article 11 - Media:

- paragraph 1, sub-paragraphs a(iii), b(ii), c(ii), d, e(i), g;
- paragraph 2;
- paragraph 3;

. Article 12 - Cultural activities and facilities:

- paragraph 1;
- paragraph 2;
- paragraph 3;

. Article 13 - Economic and social life:

- paragraph 1, sub-paragraph b;

. Article 14 - Transfrontier exchanges:

- paragraph a;
- paragraph b.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 2, 3

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that the phrase "*number considered sufficient*" provided for by Article 8, paragraph 1, sub-paragraph a(iii), of the Charter, means the minimum number of pupils necessary to establish a classroom or group, according to the provisions of Article 158 of the Educational Law no. 84 of 1995, republished with subsequent completions and modifications.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 8

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that the phrase "*territory in which the regional or minority languages is used*" provided for by Article 1, paragraph b, of the Charter, means the administrative-territorial units in which a regional or minority language is used by at least 20% of the population of these administrative-territorial units.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 1

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that the provisions of Article 9 of the Charter shall apply according to the stipulations of Article 128 of the Romanian Constitution, republished, as well as of Article 14 of the Law on the judicial organization no. 304 of 2004, republished with subsequent completions and modifications.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 9

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that the provisions of Article 10 of the Charter shall apply according to the stipulations of the Romanian Constitution, republished, and the Local Public Administration Law no. 215 of 2001, republished, as well as of the Framework Convention on the Protection of National Minorities, adopted at Strasbourg, on 1 February 1995, ratified by Romania by the Law no. 33 of 1995.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 10

Declaration contained in the instrument of ratification deposited on 29 January 2008 - Or. Engl.

Romania declares that the provisions of Article 11, paragraph 1, sub-paragraph f(i), of the Charter shall apply according to the provisions of the Law on the organization and functioning of the Romanian Radio Company and the Romanian Television Company no. 41 of 1994.

Period covered: 1/5/2008 -

The preceding statement concerns Article(s) : 11

Appendix II: Comments by the Romanian authorities

1. General issues

The ratification of *the European Charter for Regional and Minority Languages* in Romania through Law no. 282/2007, the smooth entry into force of the document, followed by the first monitoring exercise performance by a large participation and consultation of stakeholders showed that there is a great interest and a lot of expectations regarding the implementation impact of the convention herein in Romania. The first stage challenges of the process herein proved to be multiple:

- the reaction to the document implementation was positive but regarding certain fields, when the practical implementation of some already assumed commitments or evidence collection was considered, the capacity of local authorities and directly interested organisations to act effectively proved to be weak;
- some provisions are implemented *de facto* for a long time and they are sometimes considered ordinary in the regions with large minority population; therefore, data accounting and more precise statistics were not considered necessary, wherefore upon the first monitoring exercise, the authorities did not find/receive accurate and significant statistics;
- in Romania, no statistics were made up to date in justice and social and economic life using the criterion of language; their implementation continues to be difficult; thus, examples were often used in the report concluded by the Romanian authorities, because there were no available statistics and they could not be collected in such a short time for such a large number of languages; partial data under chapters 8, 11 and 12 are due to the same phenomenon;
- although the ratification law elaboration lasted many years, whereas Romania adopted a complex and differentiated ratification formula (10 out of 20 minority languages being included within Part III), some problems were identified within the implementation and monitoring process, particularly related to languages spoken by a very small number of persons; actually, out of symbolic grounds and respect to all national minorities, languages like *Ruthene* and *Macedonian* were included within Part II, differently analysed languages by linguistics specialists, for which the achievement of commitments is extremely difficult due to the very small number of speakers;
- the ratification formula was based to a great extent on political criteria, considering not only linguistic standards, *the Charter of Languages* being considered in Romania as a legal instrument providing extra guarantees to the speakers – persons belonging to national minorities – and not only as a useful instrument to maintain linguistic diversity and cultural heritage; therefore, following recurrent consultations with minorities, the Romanian authorities deliberately assumed very high standards, reflecting landmarks for the future rather than actual opportunities to use languages at present; the Romanian authorities made all necessary efforts to ensure upon the moment of ratification a balance between the groups of speakers requirements and the actual protection opportunities for minority languages, having the expectation that, through the implementation and monitoring process, the landmarks taken into consideration shall gradually represent an input for every involved parties to act in order to reach superior standards in the use of the languages herein;
- within the experts report it is rightfully emphasized the inconsistency of certain languages between the relatively great number of speakers and the limited number of instruments for language use and promotion (for example, a small number of publications written in Tatar, Bulgarian and even Romani languages is forecast); thus, we consider that not only the number of speakers must be taken into account, but the social-economic background as well, which might determine the use of language in different fields to a greater or lower extent; for example, Tatar speakers aim overwhelmingly to Turkish language with respect to education and services, having at their disposal more facilities and opportunities to reach a better life standard;
- an inverted phenomenon can be observed in relation to Italian and Greek languages – despite the very small number of speakers, the ethnics and Romanians interest in the languages herein is currently increasing, whereas the influence of Italian and Greek citizens acting in the capacity of business persons in Romania, as native speakers and culturally and linguistically connected to traditional minorities, is more and more observable;

- within the monitoring process it could have been observed that some provisions of the Charter were not sufficiently known or, if they are, the data provided with reference to them are general and very imprecise; a certain inertia could be observed among the involved institutions and organisations for minorities; we consider that it represents the result of the fact that, after the entry into force of ratification law (in 2008), the effects of economic-financial crisis became perceptible, whereas the first expenses reduced out of the budgets of institutions were those for information, dissemination and promotion.

In spite of the problems herein, **the first monitoring of the *Charter of Languages* determined a significant unprecedented research, assessment, promotion process in the field.** The connection of institutions to organisations for minorities became stronger due to joint activities on languages area, whereas the intercultural dialogue became more and more analysed. Undeniably, *the Charter of Languages* proves to be not only an innovative legal instrument, but **an element of creativity and input regarding the use of languages as well** – the consolidation of the used languages by large groups and in significant fields; the encouragement of the original cultural phenomenon specific to the regions and/or groups of speakers in the majority of cases.

2. Measures and evolutions following the first monitoring visit (March 2011)

In 2011, through its non-repayable funds financed system of projects, the Department for Interethnic Relations within the Government (DIR) promoted more offensively the subject of minority languages promotion. The projects developed or supported by DIR last year, focused mostly on language and culture, are mentioned within the Appendix 1. Regarding the competition of interethnic projects announced in March 2012, one of the main subjects proposed by DIR is the continuous promotion of minority languages through different types of activities.

DIR consultation and collaboration with the organisations of citizens belonging to national minorities was maintained by the Council for National Minorities (CNM), advisory body of the Government. The activities from 2011 of CNM specialised commissions, permanently supported activities by DIR, included study/promotion programmes of minority languages as well. Among the herein, we mention:

Regarding *the Commission on education and youth*:

September	September 26th – <i>The European day of languages “MALLtrilinguals, voices and colour”</i>	Bucharest
October	German teachers Conference – minority languages teaching workshop	Brasov

Regarding *the Commission on culture, cults and mass-media*:

September	- Participation in the international festival of Turkish – Tatar folklore, organised by the Union of Tatars - <i>INTERETNICA</i> publication launching - Participation in the film and book festival	Constanța Mediaș
November	- Participation in <i>Gaudeamus</i> book fair with stands of minorities. Invited country Italy, focus on the Italian language and culture.	Bucharest
December	National minority day. <i>Musical Confluences</i> CD launching, containing a traditional song in each minority language, performed by the professional chorus – <i>Acapella</i> .	Bucharest
May	Participation with minority stands in <i>Bookfest</i> book fair	Bucharest
March	Participation with minority stands in the <i>Book, press and music fair</i>	Bucharest

Regarding Art. 12 – **Cultural activities and facilities** – the Ministry of Culture and National Heritage (MCNH) sent updated data, as follows:

Pursuant to the provisions of Government Ordinance no. 51/1998 regarding the financing system of cultural programmes, projects and actions improvement, including subsequent amendments and additions, and in compliance with GD no. 90/2010 regarding the Ministry of Culture and National Heritage organisation and activity, including subsequent amendments and additions, the organisations for national minorities are entitled to request and receive financial support for cultural projects through the National Priority Cultural Programme and by non-repayable funds for emergency cultural needs. The programmes for minorities financed by MNCH are mentioned within Appendix 2.

At the same time, national minorities have the right to cooperate with public cultural institutions subordinate to MNCH by organising events in partnership with them, being entitled to participate in the selection sessions for cultural projects. Thus, the National Cultural Fund Administration provides annually non-repayable funds to public institutions, non-governmental organisations, private law entities carrying out cultural activities. National minorities can participate in the sessions herein for the following financing fields: visual arts and new media, architecture and design, museum activities, performance arts, national cultural heritage, immaterial heritage, cultural professional training (including cultural management), cultural education.

Romano Kher National Centre for Roma Culture organises selection session for cultural projects as well. The selection applies to certain associations, foundations, cultural public institutions, companies carrying out cultural activities, with precise social-educational or cultural objective in Roma benefit. Financing fields:

- editorial projects – books, magazines and other publications, with literary-artistic character, edited on any type of support;
- visual arts and new media – Rom topic-based picture, sculpture, photography, DVDs, documentary film exhibitions.

The proposed cultural projects must emphasize less approached topics of Rom cultural identity: Rom folklore and customs (both in Romanian and in Romani), cult literature, Roma slavery, Holocaust, antiracism, portraits of certain figures, identity pedagogy.

Regarding cultural activities and facilities – museums, archives, folklore, festivals – we can mention as an example the Romanian Peasant Museum, having within the permanent exhibition structure a hall called “Together”, where contemporary life aspects of ethnic people living together with the Romanians are presented. Also, the museum published two editions of “Together” calendar album, illustrated with objects belonging to the Romanian ethnics. Approximately 8000 treasured objects are kept in the collections of the museum herein, as a consequence of certain field research conducted by the institution museum curators, key objects for minorities’ life in Romania.

“Dimitrie Gusti” National Village Museum promotes through its programmes the activity of groups or persons belonging to the national minorities in Romania. Within the Dialogue of Civilisations Programme or by exhibitions, fairs, festivals, creation workshops, the institution presented the culture of national minorities, like – Bulgarian, Armenian, Czech, Serb, Slovak, Croatian, Jewish, Macedonian, German, Italian, Greek, Albanian, Hungarian, Turkish, Tatar, Ukrainian, Polish, and Lipovans. We mention as an example “The days of Czech and Slovak culture” in 2011 and the participation of folk craftsmen belonging to national minorities in the annual fairs of Palm, Saints Peter and Paul, White Flowers holidays, etc.

In relation to different access means in other languages regarding the works created in regional or minority language, as a result of *Alexander Csoma de Körösi – Three Stations* project developed in 2010, within the International Year of Cultures Closeness, declared by UNESCO, a volume of studies dedicated to the great researcher’s life was translated from Hungarian into Romanian and English.

Another project developed in 2011, under the coordination of UNESCO is „*Sharing the same taste: Turkish and Romanian common traditional cuisine*”, within the context of UNESCO Convention for immaterial cultural heritage saving. The programme implied two research stages, in Romania and Turkey, whereas the results shall be mentioned within a three languages volume – Romanian, Turkish and English.

Romano Kher National Centre for Roma Culture encouraged the “Roma history notes” publication in Romani language (written by the European Commission), the publication of bilingual books “Manro Amaro/Our bread” by Marian Ghiță and Pakivale Bukiake Chiba – ROMANIPE as “cultural matrix” of an intercultural, multilingual language, in a wider Europe” (within the Session of cultural projects 2011). Moreover, it supported Romani language learning, through the project “Sikloven romanes. Roma language and culture course”, in 15 lessons. The Centre promoted the Romani music, creating therefore two bilingual CDs: “You are my love” and “Bittersweet”.

“German literature days”, “German theatre festival for youth” and “National minority theatre festival” represent other examples, which shall be financed in 2012 by MNCH as well.

Regarding the collection, storage and promotion of works created in regional or minority languages, MNCH mentions:

- the collections of National Library of Romania have an encyclopaedic profile, whereas regional and minority languages can be found among the works published in Romania and stored according to the legal storage law, by purchasing documents written in the languages herein and in publications received through the international exchange of publications;

- the annual average of works written in regional and minority languages, according to the national bibliography of Romania, is the following:

- Hungarian – 380 works
- Serb and Croatian – 14 works
- Czech – 12 works
- Bulgarian – 8 works
- Albanian – 3 works
- Greek – 4 works
- Italian – 36 works
- Polish – 10 works
- Russian – 18 works
- Slovak – 3 works
- Turkish – 5 works
- Ukrainian – 15 works.

- through its exchange policy approved by the Scientific Board, the National Library of Romania belongs to *an international network of publications exchange*, having as objective the support and development of foreign books collections.

- within *the Selection criteria for books proposed by exchange partners*, the Library is interested in the original language for mainstream languages, quality translations, and in minority languages as cultural diversity expression as well.

- the average of publications exchange, books and periodicals is, as follows:

No.	Country	Partners	Book	Periodicals
1.	Bulgaria	Relations with BN [*National Library], medical library – 2 partners	20 works/year	2 periodicals
2.	Czech Republic	Relations cu BN, economy institution, specialised library	50 works/year	20 works/year
3.	Croatia	Relations with BN, specialised library, institute – 5 partners	5 works/year	4 works/year
4.	Germany	Relations with BN, BU [*University Library], specialised libraries, school libraries, Institute, 10 partners	100 works/year	48 works/year
5.	Poland	Relations with BN and the Science Academy	30 books/years	10 works/year
6.	Russia	Relations with BN, public library, specialised library – 4 partners	155 works/year	40 works/year
7.	Serbia	Relations with BN, specialised libraries, BU – 3 partners	40 works/year	5 works/year
8.	Slovakia	Relations with BN – 1 partner	10 works/year	3 works/year
9.	Turkey	Relation with BN and the Studies Academy – 2 partners	5 works/year	2 works/year
10.	Hungary	Relations with 5 active partners – BN, BU, academic libraries	50 works/year	25 works/year
10.	Ukraine	Relations with the Academic Library	10 works/year	5 works/year

Regarding translation and terminology research services, for minority languages in Romania, the Centre for Professional Training in Culture subordinate to MNCH organises national assessment examinations of skills in Bulgarian, Czech, German, Greek, Italian, Yiddish, Hungarian, Polish, Romani, Russian, Serb, Slovak, Turkish, and Ukrainian languages. The examination focuses both on languages and individualised specialised fields (technical, legal sciences, medicine, geography, economic sciences, philosophy, etc). All language-based examinations are equally treated, without differentiating the applicants, examination periods or the assessment criteria.

CPTC is also entitled to issue the sworn translator certificate for the above mentioned languages. Starting with 2010, examinations for Romani language were also organised, focusing on the introduction of Serb language examination. In 2011 there were the following requests which were taken into consideration:

2011	Bulgarian 3 candidates	Hebrew (Yiddish) 15 candidates	German 36 candidates
	Czech 4 candidates	Italian 88 candidates	Hungarian 13 candidates
	Greek 22 candidates	Polish 2 candidates	Russian 36 candidates
	Romani 12 candidates.	Turkish 27 candidates	Ukrainian 3 candidates
	Slovak 3 candidates		

Up to date, there were no requests regarding Serb, Ruthenian, Tatar, Croatian, Armenian and Albanian languages. In order to encourage mother tongue high school graduates, both in Romania and abroad, to obtain the translator certificate, it is no longer necessary taking the examination, but only certain documents submission to the Ministry of Justice. The certificate is issued based on the Baccalaureate Degree. The Hungarian and German students who studied in Romania in high schools teaching in the respective mother tongues are found in the same situation.

3. Additions regarding the recommendation proposed by the European experts

Adopting a structured approach for the implementation of each commitment upon ratification, in cooperation with the representatives of minority languages speakers

A new element from the monitoring visit is represented by the temporary results of population and dwellings census, conducted in 2011, which shall be made public at the beginning of 2012. The results regarding the Romanian population according to the ethnicity criterion registered significant changes in the demographic evolution of groups – the majority registers an important decrease, including the majority group, of Romanians (it is also a consequence of the fact that over 2 billion citizens left to work abroad or they have settled permanently there). The temporary results according to the mother tongue criterion were not published yet and, therefore, a comparative analysis of the current situation concerning regional or minority languages groups of speakers is impossible to be delivered with reference to the situation registered during the 2002 census.

Following the consultations with the institutions and organisations involved in the implementation and monitoring process, two working groups were created, with which the Department for Interethnic Relations (DIR) within the Romanian Government permanently liaise (one inter-institutional group and another for minority NGOs consultation). Following the first report concluded by the European experts and received by the Romanian authorities, DIR organised a meeting with ministries upon February 9th 2012 and a new data collection session in writing, until March 9th 2012. Furthermore, the organisations for minorities were notified during the meetings held in March 2012 with respect to the monitoring process current stage.

The discussions with both working groups shall be continued by DIR after the Committee of Ministers of the Council of Europe has adopted the recommendations provided to the Romanian authorities, establishing therefore an action plan and a schedule for assumed commitments implementation and rectification of shortcomings until the following monitoring cycle.

The implementation of broad educational models used to teach / in Tatar and Turkish languages, in cooperation with the representatives of these minority languages speakers

Regarding the academic level, the **Turkish language** is studied at the department of Turkish language and literature within the Faculty of Foreign Languages and Literatures – the University of Bucharest. From 2000 – 2010, approximately 80 Turkish elementary school teachers and teachers were trained for pre-school, primary, middle school and secondary education at the University of Bucharest, *Ovidius* University of Constanța, within the Faculty of letters and College of elementary school teachers, and at “Kemal Atatürk” College of elementary teachers of Medgidia. Starting with 2009, young people can also study Turkish language at *Babes – Bolyai* Multicultural University of Cluj-Napoca, within the Institute of Turcology.

With respect to the pre-university level, 3-4 hours of Turkish language are continued to be weekly taught from 1st to 12th grade. At the same time, pupils study the history and traditions of the Turkish and Tatar people in Dobrogea, for one hour per week, in 6th and 7th grades. Out of the 4,700 Turkish people (pre-school children and pupils from 1 – 12th grades), having Turkish and Tatar language and history classes, a smaller number of approximately 380 pre-school children study in kindergartens. During the 2011-2012 school year, there are 2 kindergartens using the bilingual teaching approach.

Continuous efforts are made in order to ensure posts and necessary financing for Turkish and Tatar language and history teachers, who teach in Turkish. During the 2010-2011 school year, 45 teachers provided the teaching of language, history and traditions of the Turkish and Tatar people in Romania.

A very good experience proved to be the educational private institutions – in Constanța and Bucharest there is a high school of computer science where the Turkish language is studied, being coordinated by *Lumina* foundation of the Turkish Republic and in collaboration with the Ministry of Education in Romania. The collaboration extended in 2010 by founding *Lumina* Private University of South-East Europe in Bucharest.

Within the **Methodist teachers** network for minority languages, there are 1 – 2 Methodists in Constanta and Tulcea counties, in charge with the Turkish-Tatar language, history and community traditions teaching and Turkish and Tatar children enrolment.

MERYS finances annually school competitions on subjects, like **the school national Olympiad of Turkish language**. The 16th edition takes place this year (January – April 2012, including 40 candidates in the national stage), whereas a Romanian team shall participate in the International Olympiad of Turkish language in Turkey (May – June 2012).

It continues the elaboration of **curriculum**, educational materials and auxiliary school manuals editing in/for Turkish and Tatar language, history and traditions, for intercultural education and diversity etc., together with other partners. In Romania M.E.R.Y.S. has the use of set of manuals of Turkish language and literature (1-8th grades), Turkish and Tatar history and traditions in Romania (6-7th grades).

Within the context of the new Law of national education no. 1/2011, different regulations were elaborated or re-examined with respect to the educational offer for ethnical pupils, including Turkish and Tatar. For example, *the Methodology regarding mother tongue language teaching/in mother tongue* was revised by M.E.R.Y.S.

Regarding **Tatar language** at the level of M.E.R.Y.S., there were not until now an approved curriculum and homologated school manuals, but with reference to the community there are Tatar language classes within the branches of the Democratic Union of Turkish-Muslim Tatars in Romania and in some schools. Language teaching groups were created at Constanța, Medgidia, Cobadin, Valu lui Traian, Eforie Nord, Tuzla, Lumina, M. Kogălniceanu and Techirghiol. The Union of Tatars purchased for the groups herein blackboards, notebooks, books and provides transportation free of charge to pupils by minibuses. Turkish and Tatar languages speaking teachers speaking ensure optional courses, being paid by the Union of Tatars as well. The union has encouraged children to learn their mother tongue during summer holiday, organising various mountain camps of Tatar language (Predeal). With the same input purpose, a Tatar poetry competition has been organised for two years in December. In order to provide quality teaching, both community-created manuals for primary grades and additional materials from the Autonomous Republic of Crimea – Ukraine are used. The planning of courses was made by professionals – prof. Ene Ulgean, Turkish language inspector at the School Inspectorate of Constanța and prof. Neriman Ibraim (1-4th grades), both members of the Tatar ethnicity. The herein represent only some achievements of 2011, after many years of Tatar language study interruptions.

The first counsels of Tatar language and traditions teachers providing education within the branches of the Tatar Union and in schools took place in 2011 (in the above mentioned system). Two teachers training activities were carried out in collaboration with the Teaching-Staff Resource Centre of Constanța.

On the Tatar Union deputy's initiative, the Parliament adopted the Law 256/2010, implementing May 5th as *the Tatar language Day* in Romania. Upon its first celebration, distinctions were granted (medals and degrees) to the greatest figures who contributed to Tatar language promotion – writers, journalists, manual authors, school inspectors.

The Tatar language was also promoted during different cultural events organised by DIR – in 2010 a group of kindergarten children in Constanța participated in the *Musical festival of children for the Alliance of Civilisation* (December, Bucharest), whereas the Tatar women chorus of Cobadin participated in the *European Day of Languages* (Bucharest, September 25 – 26th 2011). Supported by DIR, the Tatar Union organises annually books, publications, CDs exhibitions at the *Book, press and music Fair* (March), *Ethno-Rustic* minority tradition exhibition (May) and *Gaudeamus* book fair (November), all taking place in Bucharest.

Using its own budget (allocated by the Romanian Government), the Tatar Union organised in 2010 – 2011 many cultural activities promoting Tatar language – activities dedicated to children, women, some historical figures, main traditional holidays, festivals in Romania, Turkey or Ukraine, scientific meetings, etc. On December 13th the entire community celebrates annually the *Tatars Day in Romania*. Every year in September a large Tatar folklore festival is organised at Constanța, where Tatar groups in Romania, Ukraine, the Russian Federation, Kazakhstan, Azerbaijan, etc take part to.

It is worthy of mentioning that the demand for Turkish and also the dynamics for studying Turkish is more accentuated in comparison to the demand for Tatar. This can be explained by the attention and support granted by the Turkish state offers to learning Turkish in Romanian schools by means of the General Consulate of Turkey in Constanta. Due to the agreements settled with the Ministry of Education, each year groups of Turkish and Tatar young people receive scholarships to study at academic centres in Turkey. Upon graduating studies young people benefit of numerous work opportunities in Romania as speakers of Turkish, which gives them an advantage.

Despite the very good collaboration relationship between the Tatar Union of Romania and Crimea Autonomous Region from Ukraine, the support regarding the study and use of Tatar language is much more limited.

Assuring basic training and continuous improvement of a sufficient number of **teachers** aiming to achieve undertaken obligations, according to art. 8, especially for German, Hungarian, Turkish and Ukrainian languages.

For **German**, we mention: The Centre for Continuous Improvement in German (CFCLG) from Medias (www.zfl.ro), unit which functions under the Ministry of Education, Research, Youth and Sports and it is the result of the collaboration with German authorities, its main purpose being to supply further training programmes for teachers who teach in German or teach German in kindergartens, schools, gymnasiums and high schools. In time, the centre opened an office in Sibiu and a branch in Timișoara, centres where they hold training programmes, similar to the one in Medias. The training courses are taught by teachers from Romania and Germany (experts from Germany which work temporarily in schools where they teach German in Romania). It is worthy to mention that the Training Centre also prepares its own publication with useful data for the ones interested, both in German and in Romanian. The Centre also promotes within the training activity the work on projects, together with teachers, thus stimulating the use of modern teaching methods in schools.

The table below reflects the number of activities and participants during the last two years.

School year	pre-school education		primary education		German language		Subject in German	
	Activities	participants	Activities	participants	Activities	Participants	Activities	Participants
2009-2010	18	313	19	401	41	1125	8	150
2010-2011	18	400	20	391	42	1019	7	113

For the **Hungarian language** we mention the following training activities:

- in order to obtain the teaching degree – courses organised by „Babeș-Bolyai” University, for various specialisations, in Hungarian;
- training courses in Hungarian organised by the Hungarian Union of Educators from Romania within „Bolyai Nyári Akadémia” Summer Academy;

- training courses organised within school Inspectorates and Teaching-Staff Resource Centre from the counties;
- During the last years, more and more training courses took place within some projects financed from European funds, having the purpose to develop human resources (POSDRU).

For **Turkish** we mention: **Intensive initial training carried out within improvement courses for language and methodology for Turkish language teaching for the potential Turkish and Tatar language, as well as history teachers** – Annually, 40 persons enrolled within the courses organised by MECTS at CCD Constanța. In collaboration with the Consulate of the Turkish Republic in Constanța, we organise annually improvement courses and methodology studies for Turkish language in Turkey (this year during June 25th – July 7th in Istanbul).

For **Ukrainian language** we mention: Improvement internships carried out by teachers of Ukrainian/in Ukrainian within Romanian schools in academic centres from Ukraine, by the Ukrainian Embassy in Romania, at the request of the Ukrainian council at D.G.Î.L.M.R.P.P.S. – MECTS. In 2010 they have taken improvement courses at Cernăuți (20 professors from the 8 counties in which Ukrainian is studied), in 2011 - at Lvov (20 teachers from all 8 counties). Also in 2011 courses have been held at Ivano-Frankivsk, to which 10 teachers have participated from Maramures County, based on the partnership between the region Ivano-Frankivsk from Ukraine and Maramures County Inspectorate. Also, meetings have taken place on subjects of teaching, advising, experience exchanges of teachers which teach (in) Ukrainian. The teachers have got involved in the same time in schools participation at contests and festivals for the Ukrainian minority.

The teachers of **different minority languages** – Polish, Serbian, Slovakian etc. - usually participate at improvement activities, language camps organised by the NGOS, courses organised by the County School Inspectorates Teaching-Staff Resource Centre. In the majority of cases the professors also participate in summer schools or courses organised in their native countries, based on bilateral agreements.

The further development of a broad offer related to teaching of/in **Romani language**, taking into account the needs and requirements of Romani speakers

Regarding the activities carried out in Romania for the conservation and development of Romani language, especially from the educational perspective, we set out the following evolutions:

- **Granting 21 distinct positions, annually**, to young Romani for their admission at the section for Romani language and literature (from 2005 section A, prior to section B, initially – 1992-1997 - as an optional course), within the Faculty of Foreign Languages and Literatures – Bucharest University. In the same time, during 2000 – 2010 approximately 600 Romani schoolmasters and teachers for the primary and pre-school education were trained, as well as Romani teachers, at the same University (The Department for distance learning CREDIS), respectively at *Babes – Bolyai* University from Cluj Napoca (between 2006-2010, at the Faculty for Psychology and Education Sciences).

Intensive initial training carried out within summer language courses and methodology studies for Romani language, for the potential Romani language and history teachers – annually, 56 persons were trained within the courses organised by MECTS, financed by UNICEF. The program is held starting with 1999.

- **Romani language preservation, history and culture for education**(assuring teaching for **3-4 hours/week of Romani native language** for grades I-XII, respectively **1 hour/week of Romani history and traditions**, for grades VI and VII). From over 220.000 - 260.000 students with recognized Romani identity, annually (students from pre-school and high-school), approx. 26.000 – 31.000 students (11-13%) have classes of Romani language and history, which are even held **entirely** in Romani language (with a smaller number, of approx. 900 students in preschools and schools).

- **The continuous support, where teaching in Romani as native language is required, at pre-school level**, by bilingual approaches (Romani-Romanian, Romani-Hungarian). During the school year 2011-2012, 20 kindergartens are teaching in Romani as native language, using bilingual teaching approaches.

- **Assuring position and the corresponding financing for teachers of Romani language and history or primary school teachers of Romani**. During the school year 2011-2012, 443 professors provide Romani language teaching, history and Romani traditions or integral teaching in Romani as native language.

- **The methodical teachers network for language, history, traditions and school for Romani is maintained** (at the level of each county, between 2-6 methodology teachers, of which at least one for Romani language, history and traditions; amounting a total of 146 methodology teachers).

- **Continuing financing several national school contests in Romani language and history, again within the school year 2011 - 2012** (for the national school Olympics for Romani language, XIIIth edition (January-April 2012, 72 contestants at the national phase), the National school contest for Roma history and traditions (Vth edition, April 2012), for 36 students. The first edition for a new school contest will be carried out as well - The national contest for artistic creation in Romani language – during April 2012.

- **Continuing to elaborate curriculum and education materials, as well as auxiliary text books** in/for Romani language, history and traditions, intercultural education and diversity etc., together with partners. In Romania, MECTS has an entire set of text books for Romani language and literature, history and traditions, all for the mandatory education (grades I-X), but also for the academic level. Both constitute absolute performances in Europe. Also, in 2011 *The guide for the school mediator* (for Romani communities) was edited and printed, material drawn up by MECTS and UNICEF in order to support education for Romani children.

- **Continuing to issue new legislative acts and to revise the existing ones, initiated by MECTS, regarding the educational offer for Roma**, including in the context of the New Law for national education No. 1/ 2011. One example would be the revision of the Methodology regarding language teaching/in the native language at MECTS level.

By G.D. no. 1221/2011, the Government has adopted the second strategy of Romania for Roma - **Inclusion strategy for Romani citizens belonging to Roma minority for the period 2012-2020.** The education chapter includes measures for further promotion of Romani language by the construction of a national network of school mediators, by training and employing professors for Romani language and by implementing a curriculum for Romani language.

The National Agency for Romani is currently implementing two educational projects financed from European Funds:

Project 1. "Education of Roma children - the path to a stable job"

The main expected results:

- 2400 scholarships awarded over a three year period;
- 42 employed and trained mentors;
- 800 scholarship pupils receiving on a yearly basis mentoring services during a three year period;
- 2400 Roma people who have left the education system, identified and directed to "Second Chance" type of programmes;
- 800 scholarship pupils receiving on a yearly basis two intensive training sessions for single subject national tests, during the 3 years of the project implementation.

Project 2. "School – a chance to everyone"

Results:

- 1415 pupils participating in "after school" educational programmes in 85 schools of 20 counties;
- 1500 persons participating to "Second Chance" educational programmes in 100 schools of 20 counties;
- 500 teachers trained in teaching techniques tailored on the pupil's needs;
- 500 persons trained for providing the "after school" services;
- 8.000 parents trained and counselled in order to involve them in their children's education;
- 8.000 pupils counselled and guided in order to attend the school;
- an interregional network of Roma NGO-s which will activate in the education field has been set up.
- 20 cooperation networks at the county level to prevent early school leaving have been set up.

For the promotion of minority languages in the educational system we carry out, each year **school contests** (Olympics). The most well-known are for Native language and literature, which is concluded with the national phase in April. The students receive awards in money, books, sport equipment and trips. Starting a few years ago, a competition on intercultural themes was also introduced, including also artistic tests in different languages - the national contest „Diversitatea - o sansă în plus pentru viitor” **Diversity – a chance for the future*, carried out by MECTS and „Divers” Association from Targu Mures. In 2012, the VIth edition will take place, the final being scheduled for December, at Bucharest.

Without being related to the educational field, **Romani language** has started to be promoted in other fields:

- The Ministry of Justice has certified 7 persons, Romani speakers, as translators to accompany Roma in the Courts of law.
- The National Agency for Roma and the department for Interethnic Relations have financed in 2011, from funds allocated from the state budget, a play in Romani language, for Roma and non-Roma actors. We have organised shows in Bucharest and in the country.
- The Roma organisation represented in the Romanian Parliament – Roma Pro Europe Party - has a weekly broadcast of 2.5 hours on a private TV Channel (OTV). The broadcast presenters are Romani speakers, and some interviews are in Romani language.
- Upon the initiative of Roma minority representative in the Romanian Parliament, the Law no. 28/2011 regulated the day of February 20th as the commemoration day for Roma manumission. The non-governmental organisations have organised diverse commemoration actions, including the ones belonging to the Hungarian ones from Targu Mures.
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- a. at „Sfinții Kiril și Metodie High School” from Dudeștii Vechi, Timiș county, in 2010-2011, a total number of 607 students were enrolled, of which 583 have studied Bulgarian starting with 1st grade, up to the 11th grade;

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- in the grades V-VIII, a total of 160 students are enrolled, of which 80 are Bulgarian. From a total of 24 teachers, 14 are Bulgarian. During grades V-VIII, they teach literary Bulgarian, 4 hours/week. Also, in the grades VI and VII the subject „Istoria minorității bulgare din România” **The history of Bulgarian minority from Romania* is taught, in the Bulgarian from Banat.

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In Denta locality, Timis County, at the kindergarten, a total of 91 children are enrolled, of which 8 are Bulgarian. At the class activities they also use the Bulgarian from Banat.

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e. At Izvoarele, Dâmbovița county, Bulgarian language is studied at school, 5 hours/week, in grades I-VIII, having 7 groups of 20-25 students. The courses are taught by the Bulgarian teacher from the Bulgarian Theoretical High-School "Hristo Botev" from Bucharest.

f. At Băleni Sârbi, Dâmbovița county, Bulgarian language is studied at school, 5 hours/week, in grades I-VIII, having 5 groups of 10-15 students. The courses are taught by a Bulgarian teacher from the Bulgarian Theoretical High-School "Hristo Botev" from Bucharest.

g. At Târgoviște, Dâmbovița county, „Zaedno” Association organises annually Bulgarian courses, at which 100-150 persons participate. The courses are taught by a member of the association.

h. Bulgarian is also studied at the Bulgarian Theoretical High School "Hristo Botev" from Bucharest, in IX-XII grade, 4 hours/week.

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Under art. 491, we specify that the number of pre-school students is 39.192.

Under art. 493, we specify that the number of primary school students is 44.917.

Under art. 496, we specify that the number of gymnasium students is 43.316, and from high school students 36.261.

Under art. 491, we specify that the number of students from professional education is 16.776, and post-high school is 625.

Under art. 497, we specify that the professional education is held in Hungarian in the following counties Alba, Arad, Bacău, Bihor, Bistrița-Năsăud, Brașov, Cluj, Covasna, Hunedoara, Harghita, Mureș, Sibiu, Sălaj, Satu Mare, Timiș, having more students in counties like Bihor, Covasna, Harghita, Mureș și Satu Mare.

Art. 507 can be amended with the following training activities:

- training in order to obtain the teaching degree, organised by „Babeș-Bolyai” University, for various majors, in Hungarian;
- training courses in Hungarian organised by the Hungarian Union of Educators from Romania within „Bolyai Nyári Akadémia” Summer Academy;
- Training courses within POSDRU projects (with European funds);
- training courses organised within school Inspectorates and Teaching-Staff Resource Centre of the counties;

- At Slovak language, training activities:

- the courses organised by Bucharest University, The Faculty of Foreign Languages, The department for Slovak language and literature;
- the training of teachers from schools with Slovak teaching is ensured also by the County school inspectorate, which organised education for the Slovak minority;
- the professors from Romania participate, also, at improvement courses organised by the methodology centres from Bratislava and Banska Bystrica (Slovakia).

Reviewing the limits settled in what concerns the official use of minority languages in the local administration (over 20% of the population)

Regarding this problem, in the response received from the **Ministry of Administration and Interns (MAI)** – General Directorate for European Business and International Relations emphasizes that, up to the present time, the amendment of Law 215/ 2001 was not brought to discussion. „Taking into account the fact that the law is organic, its alteration supposes an ample process of consultation and public debate”. Underlining the great number of languages for which Romania has ratified Carta, MAI considers that this modification would involve the increase of costs regarding the implementation of the respective provisions, supported by local authorities.

The Institute for Studying National Minorities Problems (ISPMN) – believes that, in the light of preliminary data of the population and dwelling census from 2011, in several localities, there is a risk that the minority population will not achieve the 20% limit provisioned by the law in force. This would lead to losing certain linguistic rights in those localities. In order to avoid this situation, ISPMN thinks that the revision of the 20% limit would be necessary for the future. According to the ISPMN researches, the situation of administrative units in which the minority population has decreased under 20% is the following:

Minority	Number of administrative units with over 20% of the people... (Census 2002)	The number of administrative units where the minority population has decreased under 20% (Census 2011)
Hungarian	338	15
Romani	87	13
German	5	0
Ukrainian	15	1
Serbian	3	0
Turkish	1	0
Tatar	0	0

It is worthy of mentioning that the demand for Turkish and also the dynamics for studying Turkish is more accentuated in comparison to the demand for Tatar. This can be explained by the attention and support granted by the Turkish state offers to learning Turkish in Romanian schools by means of the General Consulate of Turkey in Constanta. Due to the agreements settled with the Ministry of Education, each year groups of Turkish and Tatar young people receive scholarships to study at academic centres in Turkey. Upon graduating studies young people benefit of numerous work opportunities in Romania as speakers of Turkish, which gives them an advantage.

Despite the very good collaboration relationship between the Tatar Union of Romania and Crimea Autonomous Region from Ukraine, the support regarding the study and use of Tatar language is much more limited.

Assuring basic training and continuous improvement of a sufficient number of **teachers** aiming to achieve undertaken obligations, according to art. 8, especially for German, Hungarian, Turkish and Ukrainian languages.

For **German**, we mention: The Centre for Continuous Improvement in German (CFCLG) from Mediaş (www.zfl.ro), unit which functions under the Ministry of Education, Research, Youth and Sports and it is the result of the collaboration with German authorities, its main purpose being to supply further training programmes for teachers who teach in German or teach German in kindergartens, schools, gymnasiums and high schools. In time, the centre opened an office in Sibiu and a branch in Timișoara, centres where they hold training programmes, similar to the one in Mediaş. The training courses are taught by teachers from Romania and Germany (experts from Germany which work temporarily in schools where they teach German in Romania). It is worthy to mention that the Training Centre also prepares its own publication with useful data for the ones interested, both in German and in Romanian. The Centre also promotes within the training activity the work on projects, together with teachers, thus stimulating the use of modern teaching methods in schools.

The table below reflects the number of activities and participants during the last two years.

School year	pre-school education		primary education		German language		Subject in German	
	Activities	participants	Activities	participants	Activities	Participants	Activities	Participants
2009-2010	18	313	19	401	41	1125	8	150
2010-2011	18	400	20	391	42	1019	7	113

For the **Hungarian language** we mention the following training activities:

- in order to obtain the teaching degree – courses organised by „Babeş-Bolyai” University, for various specialisations, in Hungarian;
- training courses in Hungarian organised by the Hungarian Union of Educators from Romania within „Bolyai Nyári Akadémia” Summer Academy;
- training courses organised within school Inspectorates and Teaching-Staff Resource Centre from the counties;
- During the last years, more and more training courses took place within some projects financed from European funds, having the purpose to develop human resources (POSDRU).

For **Turkish** we mention: **Intensive initial training carried out within improvement courses for language and methodology for Turkish language teaching for the potential Turkish and Tatar language, as well as history teachers** – Annually, 40 persons enrolled within the courses organised by MECTS at CCD Constanța. In collaboration with the Consulate of the Turkish Republic in Constanța, we organise annually improvement courses and methodology studies for Turkish language in Turkey (this year during June 25th – July 7th in Istanbul).

For **Ukrainian language** we mention: Improvement internships carried out by teachers of Ukrainian/in Ukrainian within Romanian schools in academic centres from Ukraine, by the Ukrainian Embassy in Romania, at the request of the Ukrainian council at D.G.Î.L.M.R.P.P.S. – MECTS. In 2010 they have taken improvement courses at Cernauți (20 professors from the 8 counties in which Ukrainian is studied), in 2011 - at Lvov (20 teachers from all 8 counties). Also in 2011 courses have been held at Ivano-Frankivsk, to which

10 teachers have participated from Maramures County, based on the partnership between the region Ivano-Frankivsk from Ukraine and Maramures County Inspectorate. Also, meetings have taken place on subjects of teaching, advising, experience exchanges of teachers which teach (in) Ukrainian. The teachers have got involved in the same time in schools participation at contests and festivals for the Ukrainian minority.

The teachers of **different minority languages** – Polish, Serbian, Slovakian etc. - usually participate at improvement activities, language camps organised by the NGOS, courses organised by the County School Inspectorates Teaching-Staff Resource Centre. In the majority of cases the professors also participate in summer schools or courses organised in their native countries, based on bilateral agreements.

The further development of a broad offer related to teaching of/in **Romani language**, taking into account the needs and requirements of Romani speakers

Regarding the activities carried out in Romania for the conservation and development of Romani language, especially from the educational perspective, we set out the following evolutions:

- **Granting 21 distinct positions, annually**, to young Romani for their admission at the section for Romani language and literature (from 2005 section A, prior to section B, initially – 1992-1997 - as an optional course), within the Faculty of Foreign Languages and Literatures – Bucharest University. In the same time, during 2000 – 2010 approximately 600 Romani schoolmasters and teachers for the primary and pre-school education were trained, as well as Romani teachers, at the same University (The Department for distance learning CREDIS), respectively at *Babes – Bolyai* University from Cluj Napoca (between 2006-2010, at the Faculty for Psychology and Education Sciences).

Intensive initial training carried out within summer language courses and methodology studies for Romani language, for the potential Romani language and history teachers – annually, 56 persons were trained within the courses organised by MECTS, financed by UNICEF. The program is held starting with 1999.

- **Romani language preservation, history and culture for education**(assuring teaching for **3-4 hours/week of Romani native language** for grades I-XII, respectively **1 hour/week of Romani history and traditions**, for grades VI and VII). From over 220.000 - 260.000 students with recognized Romani identity, annually (students from pre-school and high-school), approx. 26.000 – 31.000 students (11-13%) have classes of Romani language and history, which are even held **entirely** in Romani language (with a smaller number, of approx. 900 students in preschools and schools).

- **The continuous support, where teaching in Romani as native language is required, at pre-school level**, by bilingual approaches (Romani-Romanian, Romani-Hungarian). During the school year 2011-2012, 20 kindergartens are teaching in Romani as native language, using bilingual teaching approaches.

- **Assuring position and the corresponding financing for teachers of Romani language and history or primary school teachers of Romani**. During the school year 2011-2012, 443 professors provide Romani language teaching, history and Romani traditions or integral teaching in Romani as native language.

- **The methodical teachers network for language, history, traditions and school for Romani is maintained** (at the level of each county, between 2-6 methodology teachers, of which at least one for Romani language, history and traditions; amounting a total of 146 methodology teachers).

- **Continuing financing several national school contests in Romani language and history, again within the school year 2011 - 2012** (for the national school Olympics for Romani language, XIIIth edition (January-April 2012, 72 contestants at the national phase), the National school contest for Roma history and traditions (Vth edition, April 2012), for 36 students. The first edition for a new school contest will be carried out as well - The national contest for artistic creation in Romani language – during April 2012.

- **Continuing to elaborate curriculum and education materials, as well as auxiliary text books** in/for Romani language, history and traditions, intercultural education and diversity etc., together with partners. In Romania, MECTS has an entire set of text books for Romani language and literature, history and traditions, all for the mandatory education (grades I-X), but also for the academic level. Both constitute absolute performances in Europe. Also, in 2011 *The guide for the school mediator* (for Romani communities) was edited and printed, material drawn up by MECTS and UNICEF in order to support education for Romani children.

- **Continuing to issue new legislative acts and to revise the existing ones, initiated by MECTS, regarding the educational offer for Roma**, including in the context of the New Law for national education No. 1/ 2011. One example would be the revision of the Methodology regarding language teaching/in the native language at MECTS level.

By G.D. no. 1221/2011, the Government has adopted the second strategy of Romania for Roma - ***Inclusion strategy for Romani citizens belonging to Roma minority for the period 2012-2020***. The education chapter includes measures for further promotion of Romani language by the construction of a national network of school mediators, by training and employing professors for Romani language and by implementing a curriculum for Romani language.

The National Agency for Romani is currently implementing two educational projects financed from European Funds:

Project 1. "Education of Roma children - the path to a stable job"

The main expected results:

- 2400 scholarships awarded over a three year period;
- 42 employed and trained mentors;
- 800 scholarship pupils receiving on a yearly basis mentoring services during a three year period;
- 2400 Roma people who have left the education system, identified and directed to "Second Chance" type of programmes;
- 800 scholarship pupils receiving on a yearly basis two intensive training sessions for single subject national tests, during the 3 years of the project implementation.

Project 2. "School – a chance to everyone"

Results:

- 1415 pupils participating in "after school" educational programmes in 85 schools of 20 counties;
- 1500 persons participating to "Second Chance" educational programmes in 100 schools of 20 counties;
- 500 teachers trained in teaching techniques tailored on the pupil's needs;
- 500 persons trained for providing the "after school" services;
- 8.000 parents trained and counselled in order to involve them in their children's education;
- 8.000 pupils counselled and guided in order to attend the school;
- an interregional network of Roma NGO-s which will activate in the education field has been set up.
- 20 cooperation networks at the county level to prevent early school leaving have been set up.

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Reviewing the limits settled in what concerns the official use of minority languages in the local administration (over 20% of the population)

Regarding this problem, in the response received from the **Ministry of Administration and Interns (MAI)** – General Directorate for European Business and International Relations emphasizes that, up to the present time, the amendment of Law 215/ 2001 was not brought to discussion. „Taking into account the fact that the law is organic, its alteration supposes an ample process of consultation and public debate”. Underlining the great number of languages for which Romania has ratified Carta, MAI considers that this modification would involve the increase of costs regarding the implementation of the respective provisions, supported by local authorities.

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Minority	Number of administrative units with over 20% of the people... (Census 2002)	The number of administrative units where the minority population has decreased under 20% (Census 2011)
Hungarian	338	15
Romani	87	13
German	5	0
Ukrainian	15	1
Serbian	3	0
Turkish	1	0
Tatar	0	0

The Public Official National Agency (PONA) specifies that for occupying a public position in localities having more than 20% minority population, the candidates shall achieve several general and specific requirements. The general requirements for obtaining a public position are standardized by art. 54 of Law no.188/1999, the specific requirements being regulated by each authority or public institution, depending on its own needs.

The specific requirements for obtaining public positions are provided in the job description, its drawing up being the task each authority or public institution, or the supervised personnel. For public officials having direct contact with the citizens, in accordance with the job description, it is mandatory to know the minority language in questions, minority citizens having the right to receive, as well, an answer to a request in their mother tongue.

To the extent to which the recalculation of the limits imposed regarding the official use of minority languages in administration will be the object of new internal regulations (by amending Law no. 215/2001 and G.D. no. 1206/2001, the competent authorities initiating this legislative procedure), **PONA will take into consideration the harmonization of provisions stipulated by** Law no. 188/1999 regarding *The Status of Public Officials* with the revised framework, as an authority having competence to initiate regulations in the field of public positions and public officials.

The improvement of radio and television broadcasts offer in protected languages according to The Third Part of the Charter (Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian).

Thereby, **The National Audiovisual Council (NAC)** made available the attached document, which contains the updated list of audiovisual content offer in national minorities' languages, including the duration and broadcasting frequency of these audiovisual contents. The document was structured on the following audiovisual media services provider categories and by services distributors:

- radio and television stations;
- cable television channels;
- radio channels;
- satellite television channels.

Regarding the recommendation stated by the experts committee regarding the improvement of radio and television programmes offer for languages in the Third Part: (*Bulgarian, Croat, Czech, German, Hungarian, Russian, Serb, Slovak, Turkish, Ukrainian*), in the sense that “it encourages Romanian authorities to facilitate the periodical radiobroadcast of commercial programmes in these languages”, NAC stated that art. 11 of the ratification law refers to radio and television public services.

However, NAC considers that it would be advisable for the Romanian audiovisual field to be more generous and to comprise also commercial channels which broadcast radio and television programmes in national minority languages, but it does not have the right to a decision in implementing these procedures. As it was mentioned, as well, on March 2011, on the occasion of the monitoring visit of international experts at Bucharest, The National Audiovisual Council stated its’ entire availability of supporting requests for frequency applications for channels dedicated to regional minority languages, but it did not receive this kind of requests. This limit is considered by NAC as being due to the financial problems which the audiovisual market faces and all those interested in the programmes. NAC states that however, **due to internet, more and more alternatives** to the linear radio and television channels **will exist**, being able to make available, for all national minorities of Romania, specific audiovisual contents, accessible in nonlinear format. This kind of programmes advanced through new media resorts would allow the broadcasting of a more generous information volume, and the problems related to access and broadcast hour would significantly decrease, the internet allowing the distribution of a greater volume of information, at any time and in any place. A discussion related to this topic is held by DRI, between NAC specialists and national minorities’ representatives, at Bucharest on March 28th, 2012.

Regarding the public television programmes **for Hungarian minority language**, TVR sent amended data, illustrated in the following chart:

Weekly television programmes in Hungarian broadcast on TVR national channels

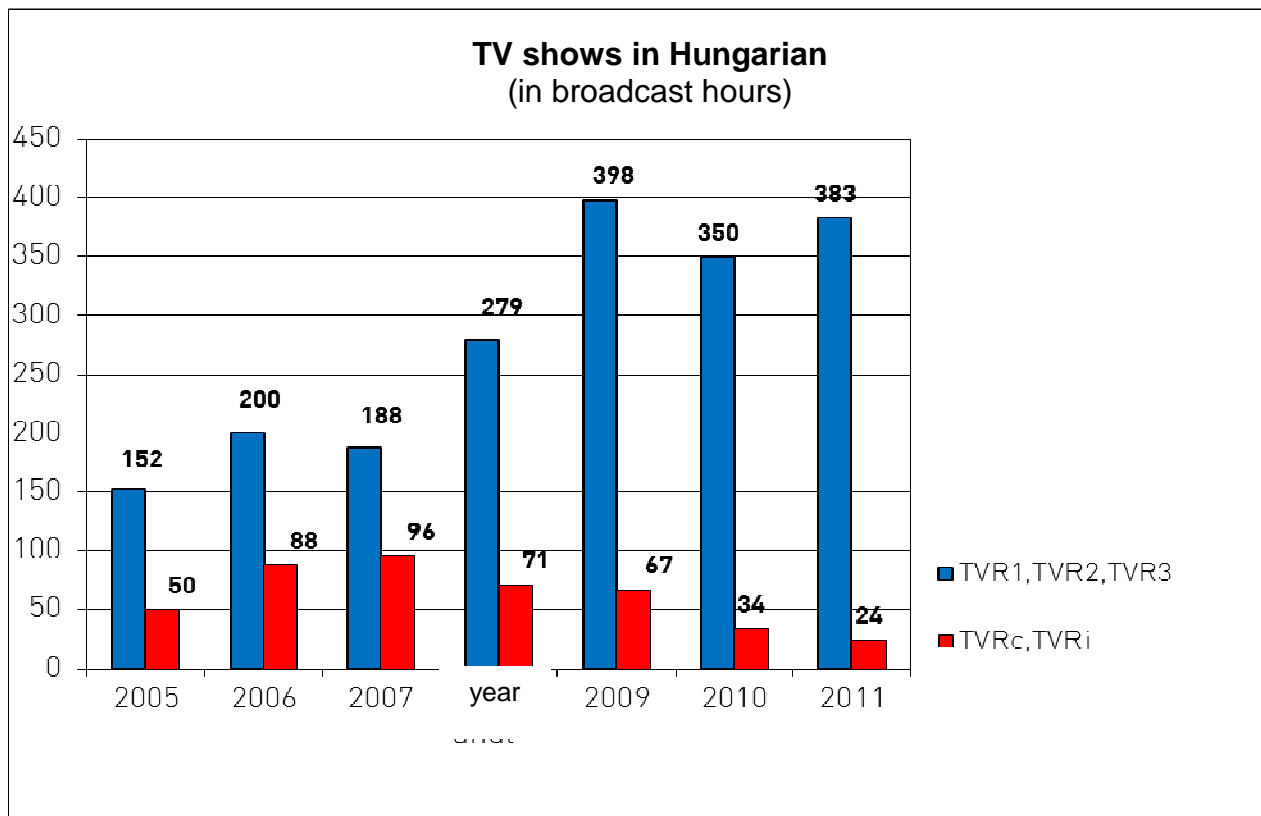
Channel	Title	Broadcast day	Time schedule	Duration/effective	Producer
TVR 1	“The Hungarian on one”	Monday	15.30-17.00	90min./74 min.	Bucharest
		Tuesday	16.00-17.00	60min./49 min.	Bucharest
TVR 2	“Pulse – The Critics club”	Wednesday	14.35-15.35	60min./48 min.	Cluj Territorial Studio
	“The Hungarian on two”	Thursday	14.35-15.35	60min./48 min.	Bucharest
TVR 3	“All together”- Hungarian	Monday	11.55-12.40	55min./48 min.	Tg.-Mureş Territorial Studio
	“All together”- Hungarian	Tuesday	11.55-12.40	55min./48 min.	Cluj Territorial Studio
	“All together”- Hungarian	Wednesday	11.55-12.40	55min./48 min.	Tg.-Mureş Territorial Studio
	“All together”- Hungarian	Thursday	11.55-12.40	55min./48 min.	Cluj Territorial Studio
	“Friday Hungarian”	Friday	11.55-12.40	55min./48 min.	Bucharest
TVR Cultural	“The Hungarian – selection”	Thursday	16.45-17.15	30min./27 min.	Bucharest

Total: 485 min./week

TVR considers as a positive fact the constant maintaining of duration and starting hours of television programmes in Hungarian, which is advantageous for target public maintaining. Broadcast hours remain however outside prime-time, the active population being unable to watch the programmes, a fact which is shown both in weaker audience data and in the availability of potential coproduction or sponsorship partners. On TVR1 and TVR2, due to some sport or parliamentary broadcasts, special editions etc. a few television programmes are yearly cancelled, without the possibility of rescheduling. On TVR2 and TVR3, in the summer schedule (3-4 months), materials are being rebroadcast due to the diminished or non-existent budget.

Through summarizing data illustrated in the Yearly activity reports of SRTV (provided by production editorial offices of television programmes in Hungarian) a chart which represents the total broadcast hours on the national channels can be drawn as follows:

The dynamics of television programmes in Hungarian with national broadcast between the years 2005-2011:



Notes:

- in the national total, habitual television programmes in Hungarian were also included, being produced by territorial studios (Cluj, Tîrgu-Mureş, Timişoara) for TVR2 and TVR3;
- the substantial growth from 2008 is due to TVR3 foundation;
- since the summer of 2010 TVR International has no longer television programmes in Hungarian, but as a matter of fact it doesn't broadcast on Romania's territory.

Besides the national covered television programmes cited earlier, there are television programmes in Hungarian produced by Minority Editorial Offices of some **TVR Territorial Editorial Offices** and broadcast on local (regional) frequencies, as follows:

Studio	Day	Hour	Duration	Total week
TVR Cluj	M-F	16.00-16.55	55 min.	275 min.
TVR Tg.-Mureş	M-F S,S	17.00-17.55 8.00-10.00	55 min. 120 min.	395 min.
TVR Timişoara	Wednesday	17.30-18.00	30 min.	30 min.

These television programmes are earthily broadcast on the coverage area of adequate regional frequencies. Because the signals are high and unencrypted broadcast from the satellite, theoretically the television programmes of regional channels can be received in the whole country (even abroad).

Regarding The Experts Committee report, TVR signals an error: (point. 165, page 27):

„Moreover, the television channel **TVR3**, which is dedicated to national minorities, broadcasts a ten-minute program in Bulgarian. It is, however, unclear at what intervals this program is broadcast, what content it covers and which age groups it addresses”. TVR specifies that, through its strategy, **TVR3 is the channel dedicated to regional (local) communities and not exclusively to national minorities**. Among local communities there are also the ethnic ones, which benefit from the television program “**Toți împreună**” [All together], which is dedicated to them, and it is broadcast on Monday- Friday from 11,55 to 13,20 (85 minutes, out of which 82 useful minutes), respectively on Friday from 17,00 to 18,25 (85 min).

Regarding the conclusion from point 575 page 85 - „The Committee of Experts considers this undertaking fulfilled for radio and not fulfilled for television...The Committee of Experts encourages the Romanian authorities to set up a television channel in Hungarian” – TVR considers that the recommendation is still valid, a public television channel in Hungarian being unavailable.

Regarding the broadcasts **in German**, the broadcasts schedule has also continuity for several years. Because of the way the broadcast audience is measured, clear information concerning the broadcast consumers group is not available, but we can estimate that it exceeds numerically the German minority from Romania (due to the spread of German language).

German editors defend as well the idea of training sessions for journalists as the ones from the Hungarian and other minorities editorials do. In 2011 there was only one such program - “The minorities expression in audiovisual”, developed in partnership by TVR Timisoara studio and DRI.

Regarding the Experts Committee request for the Romanian part to make available information for the following monitoring concerning the audiovisual material made in German, it is stated that all television programmes broadcast until now are kept in the TVR video archive.

The TVR’s Editorial Directorship, the Broadcast Editorial Office for Other Minorities, are in charge of implementing programmes with and for all minorities, except Hungarians and Germans. The current program schedule is the following:

- **“Intercommunity” (Conviețuiri)** - TVR 1, Wednesday, 16.00-17.00 - news, magazine;
- **“The first step” (Primul pas)** - TVR 2, Monday, 14.35-15.30 - magazine dedicated to the Roma minority;
- **“Together in Europe” (Împreună în Europa)** - TVR 2, Friday, 14.35-15.30 - reportage magazine;
- **“All together” (Toți împreună)** - TVR 3, Wednesday, 12.40-13.20 – magazine in minority languages;
– TVR 3, Monday, fortnightly, 12.40-13.20 – multiethnic magazine;
- **“Together in Romania” (Toți în România)** – TVR 3, Friday, 17.30-19.00 – multiethnic magazine in collaboration with the regional studios;
- **“Identities”(Identități)** -TVR Cultural, Monday – Wednesday, 16.45-17.15 - documentaries, portraits, monographies.

Through its editorial program, the office for other minorities focuses on the following ethnic communities: **Albanian, Armenian, Bulgarian, Czech, Croatian, Greek, Jewish, Italian, Macedonian, Polish, Russian-Lippovean, Roma, Ruthenian, Serbian, Slovak, Tatar, Turkish, Ukrainian**, which are all recognised and enjoy Parliamentary representation. Through these programmes TVR promotes the image of each minority, accurately presenting the problems they are facing, as well as aspects of their social and cultural life. The programmes are being done in both Romanian and the languages of the ethnic communities, the Romanian subtitles being mandatory. The national minorities constitute the main audience of these programmes along with the majority population.

According to the legislation in force, the editorial office Department for other minorities, through its objective and impartial programmes, presents the realities of the socio-politic and economic life of the national minorities in Romania and assures the proper information of minority citizen on issues of public interest, while at the same time guaranteeing a non-discriminatory content on grounds of ethnicity, race or religion. TVR programmes promote social, cultural and traditional fundamental values of the national minorities in both Romanian and the respective languages of the minorities, having an equally informative, cultural, educational and entertaining aim. In this respect, the editorial productions of the office for other minorities depict key aspects of the life of specific ethnic groups (history, art, tradition), while also presenting famous minority personalities.

These programmes cover most of the EBU genre scheme: newsletter – weekly events chronicles (10%); infotainment – reportages (35%); art and culture – documentaries, interviews (20%); entertainment – traditional music and dances (10%); education – school, interviews (10%); religion (10%); others (5%).

Reportages and documentaries about the minorities living in Dobrogea and Muntenia constitute the essence of or main program, „All Together”, which is produced in the following minority languages: Turkish, Tatar, Greek, Russian, Roma. This TV show promotes the language, folk costumes, traditions, customs and culture of each individual minority, targeting as main audience members of the ethnic groups we are referring to, but also the general public, that is to say everyone who wishes to discover and learn more about his/her fellow citizens. Each program is produced in the language of the national minorities and is being broadcasted with Romanian subtitles, thus trying to foster and enhance the conservation of the living, spoken native languages of Romania’s national minorities, while also encouraging the young generation to preserve their mother tongue.

The reports are being filmed both within the communities in question and in TVR studios. Presenting publications issued by these communities is part of the TVR effort to help and sustain the language of each national minority. The program “All Together” is being broadcasted twice a week, on Mondays and Wednesdays at 12.45 PM and are being re-ran at 00.50 AM. A multitude of aspects relating to the life, language and culture of the minorities, as well as to the realities of an interethnic existence in Romania are being presented during 40 minutes

It should also be mentioned that the TV regional studios in Cluj, Timisoara and Targu Mures are responsible for producing programmes in the languages of the minorities living in those geographical areas.

Appendix 1 – EXAMPLES OF PROJECTS WHICH WERE ACHIEVED / SUSTAINED BY DRI IN 2011

In 2011 DRI bore through allotment of irredeemable funds a number of 76 projects, it organized in partnership with other institutions/organizations 37 activities and achieved 17 activities and own programmes. The majority of the projects promoted directly or indirectly the languages, culture, and traditions of national minorities from Romania. Among these projects the following are included:

- **The second edition of Hungarian Days in Hunedoara County.** Corvin Savaria association from Hunedoara organized The Hungarian Days of Hunedoara County, which developed along 8 days in 23 localities from the County.
- **Steps towards diversity – educational intercultural workshop for the promotion of approach between cultures,** organized by The Center for Education and Social Development Association, which proposed to contribute to consolidation of dialogue among majority students and Rom students from Călărași County.
- **The diversity calendar,** Sighișoara and Mădăraș, Mureș County, June 18th - 24th 2011, organized by Divers Association.
- **Preparatory camp for young Csango from Bacău county,** June 30th 2011 – July 7th 2011, Miercurea Ciuc, Harghita county, organized by The Hungarian Csangos Association from Romania.
- **Romanian-Russian bilingualism and interculturality,** a program with Russian mother tongue professors, Brăila, August, 1st-7th.
- **Youth educational camps,** organized by *Communio* Foundation, from Satu Mare at Socond, Satu Mare County, July 25th – September 19th.
- **The 10th edition of Summer Academy MIERT** had as main theme the future perspectives of young minority from Romania.
- **The National Minority Theater Colloqui –the 10th edition,** Gheorgheni, September 29th – October 10th 2011, organized by *Figura* Association.
- **ETHNIC 2011,** manifestation series organized by The German Democrat Forum Reșița (Bilingual photo album; Interethnic choral music festival, 8th edition; Philatelic exhibition with international character).
- **ALTER-NATIVE 19 Short International Festival** organized by Hungarian Youth Democratic Union in November at Tg. Mureș.
- **Education in mother tongue, a chance and an opportunity. How do we use it?** organized by Dr. Bernady Gyorgy Cultural Foundation, Tg. Mureș.
- **One for the other and all together. Tolerance, morality and communication. Fureinander-Miteinander. Toranz, Moralitat und Kommunikation,** programme organized by German Teachers Association from Romania; October, Brașov.
- **Hellenism Festival from Romania,** organized by Hellenic Union from Romania at Galați.
- **Old Music Festival** organized by *Cultura Nostra* Association Egyesulet at Miercurea Ciuc, July.
- **Diversity – An extra chance for the future,** national intercultural competition organized by Ministry of Education and Divers Association.
- **The Interethnic Film Week,** 6th edition, organized by European Centre for Diversity Association *EU Divers*, Tulcea.
- **The ethnic, linguistic, cultural and religious diversity promotion in Romania media,** initiator: Free Press Romania Foundation (supplements of some publications in Hungarian).
- **The Russian Culture Days,** initiator: Community of Russian Lipovans from Romania.
- **Cultural heritage promotion of Harghita county,** initiator: The Association for Harghita County.
- **MALLtilingualism –voices and colour,** film made on the occasion of *European Language Day* by The European Commission Representation at Bucharest and DRI.
- **A book for the school library,** scholastic book donation program initiated and developed by DRI
- **Minority expression in audiovisual,** TVR Timișoara and DRI partnership.
- National debate contest „**The young debate**”- partners: Ministry of Education, Community Development Association „Together” and other organizations.
- **Children’s Winter Music Intercultural Festival,** Spain Embassy – Education Attaché Office, PNUD – Romania, Bucharest City Hall, DRI partnership.
- **Parol monser - Caragiale Romani Language** Theatre shows in the country, DRI and *Amphitheatrom* Association from Bucharest partnership.

Appendix 2 – Programmes and cultural manifestation for minorities financially supported by the Ministry of Culture and National Heritage in 2011

No.	Designation of cultural manifestation	Date and place of development	Applicant
1.	„International Day of All Roms in the World”	April, 8th 2011, Târgoviște	„Romanes” Association
2.	Jewish and Israelian Dance School - festival “Machol Romania 2011”	April 13th – 17th, Predeal	FCER
3.	“International Slovak Youth folk festival” 7th edition	June 3 rd -5th , Soplacu de Barcău	Democratic Union of Slovak and Czech from Romania
4.	„ Szejke Folcloric Festival”, 45th edition	June 3 rd -7th , Odorheiu-Secuiesc – Băile Szejke	Odorheiu-Secuiesc
5.	“EMKE Folcloric Festival”, 7th edition	May 28th – 30th Târgu-Mureș	SMCT Târgu- Mureș
6.	„Saving research regarding the ethnografic heritage from multiethnic localities from Brașov county	September 15th - 25th , Brașov and surroundings	Ethnografic Museum Brașov
7.	„German Literature Days at Reșița”,21st edition	May 13th -15th , Reșița	German Democrat Forum
8.	National Minorities Festival „Intercommunities” ,8th edition	June, 18th – 19th Siret and Negostina	Ukrainian’s Union from Romania
9.	„From emigration to integration” – photo exhibition	May, 30th Bucharets	Italians’ Association from Romania
10.	“German Culture Days at Satu-Mare”	May 6th – 8th at Satu-Mare	German Democratic Federation from Satu Mare county
11.	”The Day of one thousand Szekelys girls 2011”	July, 2nd , Miercurea Ciuc, Șumuleu Ciuc	Miercurea Ciuc City Hall Harghita County
12.	“International Theater Festival for highschool in German”	April 14th – 19th Timișoara	“Nikolaus Lenau” Theoretical Highschool
13.	“International dance camp from Ghimeș”	July 24th – 31st Lunca de Jos, Harghita County	The Young Csangos Association from Lunca de Jos
14.	“International dance camp from Ocna de Sus”	July, 17th – 24th Ocna de Sus, Harghita County	Dance Group PIPACSOK Cultural Association
15.	“The 20th edition of International Folk Dance and Music Camp from Răscruți	August 17th – 24th, Răscruți village, Cluj County	Kallos Zoltan Foundation
16.	“Hunedorian Days” 2nd edition	May 28th – June 5th Deva (Hunedoara county)	Corvin Savaria Tarsasag Association
17.	Folcloric International Festival “Sf. Ștefan”, 7th edition	Auhgust 18th – 22nd, Cluj-Napoca and localities from Sălaj county, Cluj	Heltai Gaspar Library Foundation
18.	“Cultural Hungarian Days from Cluj”	August 15th – 21st Cluj-Napoca	“ Kincses Kolozsvar Egyesulet Treasure Cluj Association”

No.	Designation of cultural manifestation	Date and place of development	Applicant
19.	„Festum Varadinum 2011”, 20th edition	May 15th 22nd, Oradea	Varadinum Cultural Foundation
20.	“Tracing back the ancestors”– excursion in Italy	September 20th Milano, Bolzano, Venice	Italians’ Association from Romania ROASIT
21.	“German culture decade at Reșița”	October 7th – 16th Reșița	German Democratic Federation from Caraș-Severin County
22.	“International Ukrainian folk Festival”, 6th edition	July 15th – 18th Tulcea	Ukrainian Union from Romania
23.	“Calvin Week”	June 27th – July 3 rd Chiurus, Tg. Secuiesc, Cernat	„Haromszeki Mara Szocialis es Kozmuvelodesi Egyesulet” Association
24.	”Bernady Days 2011”	October 20th – 22nd Târgu-Mureș	Dr. B. Gyorgy Cultural Foundation
25.	“Suffering, pain, human solidarity” dedicated to “The Holocaust Days” memory	October 9th , Bucharest (Odeon Theater)	Jewish Communities Federation from Romania
26.	“Turkish-Tatar Song, Dance and Folk Clothing International Festival”, 15th edition	September 8th – 11th , Constanța	Democratic Union of the Turkish- Moslem Tatars
27.	”Ars Hungarica Festival”	November 2nd – 6th Sibiu	„HID” – Hungarians’ Association from Sibiu
28.	“Interethnic Clothing and Folk Traditions Festival”, 10th edition	September 2nd – 5th Constanța	Russian Lipovans’ Community
29.	”11th edition of Hellenism Festival from Romania”	September 2nd – 5th Galați	Hellenic Union from Romania
30.	“The Delta Festivities” National Minorities Festival, 11th edition	August 12th – 14th Sulina	Culture Hall Sulina, Tulcea County
31.	“Folkloric Festival of Minorities at Bogdand”, 21st edition	September 11th Bogdand – Satu-Mare county	The centre for Traditional Culture Promotion Satu-Mare
32.	‘Polish Culture Days”, 14th edition	September 8th – 10th	Polish Union from Romania
33.	Youth Festival: “Active through diversity”, 7th edition	August 22nd – September 4th Jupiter, Constanța	Daria’ S Cultural Association
34.	“International dance camp”	August 7th – 18th Călugăreni (Mureș county)	Association for Eremieni and Drojdii
35.	“International camp from Călata region for the knowledge and conservation of traditional values”	Uly 31st –August 7th, Sâncraiu	Archivum Cultural Foundation
36.	“International Hungarology Congress” – 7th edition	August 21st – 27th 2011, Cluj-Napoca	The Association of Ardelean Museum
37.	“National minorities Theatres colloquy”, 9th edition	September 30th – October 9th Gheorgheni	„Figura” Association

No.	Designation of cultural manifestation	Date and place of development	Applicant
38.	Symposium "Following the sevcenthian destiny" at 150 years since the death of the poet Taras Şevcenco	October 6th – 8th Bucharest	The Ukrainian's Union from Romania
39.	Symposium "The Romanian – Ukrainian relations. History and contemporaneity", the 5th edition	November 3th – 5th Satu-Mare	Satu-Mare County Museum
40.	"Europa dansează – Europe is dancing"	December 9th – 13th Cluj-Napoca and localities from Cluj county	SZARKALAB Cultural Association
41.	"Serb Culture Days", 5th edition	November 7th – 14th, Timișoara	Serb Union from Romania
42.	"Jewish Culture Days"	October 30th – November 5th Târgu-Mureș	Equal Chances Without Borders Association
43.	"Saving research regarding the ethnographic heritage in multiethnic localities from Brașov county"	August 10th - September 30th Brașov county	Ethnographic Museum from Brașov

Appendix 3 – The condition of audiovisual programmes in national minorities' languages

TELEVISION (TV)

Locality/ county	Station / association	Minority	Duration and content
CLUJ-NAPOCA/CLUJ	TVR CLUJ/ ROMANIAN TELEVISION ASSOCIATION	Hungarian German Ukrainian Rom About Jewish	Thematic: General-regional 10 hours/week Program Content: information, educational, cultural, religious, movies, entertainment 10 min/week - information 10 min/week -information 30 min/week- information 10 min/week- information
SIGHETU MARMATIEI/ MARAMUREŞ	STANDARD QM SRL/ TV SIGHET	HUNGARIAN	100 min/week news+ entertainment
M-CIUC / HARGHITA	FENY TV/ ENTEL SRL	HUNGARIAN	100% in Hungarian - broadcasts educational, cultural, entertainment and videotext information programmes. The videotext structure is made of commercials, own promos, exchange rate programmes, news, classified ad with purchase page, deployment, cultural manifestations
ARAD/ARAD	TV ARAD/ RADIOTELEVISION ARAD SRL	German	Aprox. 39 min./week The TV show "My German neighbour", with 100% cultural content, submitting cultural events and/or specific cultural-religious events.
ARAD/ARAD	TV ARAD/ RADIOTELEVISION ARAD SRL	Bulgarian	Aprox. 39 min./week The TV show "The Bulgarians from Banat", with 100% cultural content, submitting e cultural events and/or specific cultural-religious events.
BISTRIŢA/ BISTRIŢA NĂSĂUD	AS TV/ ARD SAT SA	Hungarian	120 minutes weekly The TV show is called Together and it is broadcast every Sunday between 19-20 and it is rebroadcast on Tuesday between 13-14. The TV show presents some aspects from Hungarian community life from the county through reportages interviews and guests from the Hungarian community.
TIMIŞOARA/ TIMIŞ	TERRITORIAL STUDIO TIMIŞOARA / SRTV	Hungarian German Serb Croat Slovak Ukrainian Bulgarian Romani	80 minutes/week, general program 120 minutes/month, general program 120 minutes/month, general program 40 minutes/month, general program 40 minutes/month, general program 40 minutes/month, general program 40 minutes/month, general program 120 minutes/six weeks, general program
TÂRGU MUREŞ/MUREŞ	ANTENA 1 / ANTENA TV GROUP SA	Hungarian	90 min/week - talk show, information, news
TÂRGU MUREŞ/MUREŞ	TERRITORIAL STUDIO TÂRGU MUREŞ - SRTV	Hungarian German	1920 min/week– general program 120 min / week– magazine type TV show
TÂRGU MUREŞ/MUREŞ	ERDELY TV / ETV CENTER SRL	Hungarian	5250 min/week– general program The station broadcasts the entire program in Hungarian.

RADIO (R)

LOCALITY/ COUNTY	STATION/ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
CLUJ- NAPOCA/CLUJ	RADIO VOCEA SPERANȚEI/ SC DINAMIC STUDIO SERV SRL	Hungarian	Thematic: Religious, Cultural Total broadcast local program 2460 min/week. Out of which 840 in Hungarian Program Content: information, educational, cultural, religious , entertainment, publicity
CLUJ- NAPOCA/CLUJ	RADIO AGNUS/ SC MULTIRADIX SRL	Hungarian	Thematic: Religious, Cultural Total broadcast local program 3360 min/week. Program Content: information, educational, cultural, religious , entertainment, publicity
CLUJ- NAPOCA/CLUJ	RADIO PAPRIKA/ SC PAPRIKA RADIO SRL	Hungarian	Thematic: General Total broadcast local program 10.080 min./week Program Content: information, educational, cultural, religious , entertainment, publicity
CLUJ- NAPOCA/CLUJ	RADIO CLUJ/ ROMANIAN BROADCASTING ASSOCIATION	Hungarian	Thematic: General Hungarian program 48 hours/week Program Content: information, educational, cultural, religious , entertainment, publicity
REȘIȚA/ CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA/ROMANIAN BROADCASTING ASSOCIATION	Ukrainian	-Monday, at 14.20 and rebroadcast on Tuesday, at 04.10 (30 minutes) -Producer: Simona Liber -Public interest information, present subjects from coverage area and traditional music
REȘIȚA/ CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA/ ROMANIAN BROADCASTING ASSOCIATION	Serb	- Tuesday, at 14.20 and rebroadcast on Wednesday, at 04.10 (30 minutes) -Producer: Anca Popovici - Public interest information, present subjects from coverage area and traditional music
REȘIȚA/ CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA ROMANIAN BROADCASTING ASSOCIATION	Hungarian	-Wednesday, at 14.20 and rebroadcast on Thursday, at 04.10 (30 minutes) -Producer: Ileana și Makay Botond - Public interest information, present subjects from coverage area and traditional music
REȘIȚA/ CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA/ ROMANIAN BROADCASTING ASSOCIATION	Rromani	-Wednesday, at 15.20 and rebroadcast on Thursday at 02.10 (30 minutes) -Producer: Adrian Constantin - Public interest information, present subjects from coverage area and traditional music
REȘIȚA/CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA /ROMANIAN BROADCASTING ASSOCIATION	German	-Thursday, at 14.20 and rebroadcast on Friday at 04.10 (30 minutes) -Producer: Hardy Chwoika - Public interest information, present subjects from coverage area and traditional music
REȘIȚA/ CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA / ROMANIAN BROADCASTING ASSOCIATION	Croat	-Friday, at 14.20 and rebroadcast on Saturday at 04.10 (30 minutes) -Producer: Anca Popovici - Public interest information, present subjects from coverage area and traditional music

LOCALITY/ COUNTY	STATION/ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
REȘIȚA/CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA /ROMANIAN BROADCASTING ASSOCIATION	Slovak	-Saturday, at 14.20 and rebroadcast on Sunday at 04.10 (30 minutes) -Producer: Jana and Ludovic Mleziva - Public interest information, present subjects from coverage area and traditional music
REȘIȚA/CARAȘ- SEVERIN	RADIO ROMÂNIA REȘIȚA /ROMANIAN BROADCASTING ASSOCIATION	Czech	-Sunday, at 14.20and rebroadcast on Monday at 04.10 (30 minutes) -Producer: Jana and Ludovic Mleziva - Public interest information, present subjects from coverage area and traditional music
SATU MARE /SATU MARE	MEDIA SAT SRL/CITY RADIO	Hungarian	10080 min/week general
CAREI /SATU MARE	MEDIA SAT SRL/CITY RADIO	Hungarian	10080 min/week general
CAREI /SATU MARE	RADIO TRANSILVANIA LBM/RADIO TRANSILVANIA	Hungarian	900 min/week news + entertainment
BLAJ / ALBA	RADIO BLAJ / MITROMEDIA SRL	Hungarian	The TV show "Ebredes", broadcast on Tuesday at 11:15 on air and rebroadcast on Friday at 11:15, medium duration / TV show~ 40 min., theme - general (news, music, culture)
BISTRIȚA/ BISTRIȚA NĂȘĂUD	RADIO TRANSILVANIA/ RADIO TRANSILVANIA LBM	Hungarian	20 minutes weekly 5 minutes from Monday -Friday between 16.15-16.20 in the guise of information
ORADEA / BIHOR	PARTIUM RADIO / STIREA SRL	Hungarian	10080 minutes / week; General format; It broadcasts music, news and publicity
MARGHITA / BIHOR	PARTIUM RADIO / STIREA SRL	Hungarian	840 minutes / week; General format; It broadcasts music, news and publicity; PARTIUM RADIO Oradea rebroadcasts– 91,67 %
ORADEA / BIHOR	MARIA RADIO / MARIA RADIO ERDELY SRL	Hungarian	5040 minutes / week; Thematic: Confessional ; It broadcasts religious music interest news for believers and cultural-Christian broadcasts; Radio Maria Oradea rebroadcasts– 50 %
ORADEA / BIHOR	RADIO VOCEA EVANGHELIEI / RADIO VOCEA EVANGHELIEI SRL	Hungarian	105 minutes / week; Thematic: Confessional; It broadcasts religious music and cultural- spiritual broadcasts
ORADEA / BIHOR	RADIO VOCEA EVANGHELIEI / RADIO VOCEA EVANGHELIEI SRL	Rromani	30 minutes / week; Thematic: Confessional; It broadcasts cultural-spiritual shows.
ALESD / BIHOR	RADIO TRANSILVANIA / RADIO TRANSILVANIA LBM SRL	Slovak	55 minute / week; General format; It broadcasts music, information and publicity; RADIO TRANSILVANIA Oradea rebroadcasts– 94,54 %

LOCALITY/ COUNTY	STATION/ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
HUNEDOARA/ HD	RADIO COLOR/ PUBLIDIVERS SRL	Hungarian	90 min/week, Friday from 18:30-20:00. Magazine type broadcasts (religion, the doctor's advice, children column, history, news, etc) which address to all ages public from Hunedoara municipality and surroundings
TIMIȘOARA/ TIMIȘ	RADIO TIMIȘOARA/ SRR -ULTRASHORT WAVES (105,9 MHZ)	Hungarian German Serb Italian	420 minutes /week, general program 420 minutes /week, general program 420 minutes/week, general program 60 minutes/month, general program
TIMIȘOARA/ TIMIȘ	RADIO TIMIȘOARA/ SRR -MEDIUM WAVE (630 KHZ)	Hungarian German Serb Slovak Ukrainian Czech Rromani	420 minutes /week, general program 420 minutes /week, general program 420 minutes /week, general program 60 minutes /week, general program 60 minutes /week, general program 30 minutes /week, general program 30 minutes /week, general program
TIMIȘOARA/ TIMIȘ	RADIO BANAT LINK/SERB-ROMANIAN DEVELOPMENT CENTER	Serb	8064 minutes/week, general program (radio station in Serb, aprox. 20% programmes in Romanian are broadcast)
SIBIU/SIBIU	RADIO VOCEA EVANGHELIEI /VOCEA EVANGHELIEI SRL	Hungarian Rromani	30 min/week Magazine type broadcast which contains informative, religious columns and music. 60 min/week Magazine type broadcast which contains informative, religious columns and music
TÂRGU MUREȘ/MUREȘ	RADIO TÂRGU MUREȘ/ROMANIAN BROADCASTING ASSOCIATION	Hungarian German Rromani	3000 min/week-General program 390 min/week- General program 60 min/week , 3 weeks /month – utilitarians, customs and music program
TÂRGU MUREȘ/MUREȘ	ERDELY FM / ETV CENTER SRL	Hungarian	10080 min/week– general program – news, entertainment magazine type shows, talk show. The entire program in Hungarian
TÂRGU MUREȘ, SIGHIȘOARA, SOVATA, REGHIN/MUREȘ	RADIO GAGA / ALAMO IMPEX 97 SRL	Hungarian	5040 min/week –general program – news, entertainment, talk show
CONSTANȚA/ CONSTANȚA	TERRITORIAL STUDIO RADIO CONSTANȚA/ROMANIAN BROADCASTING ASSOCIATION	Greek Turkish Tatar Armenian Russians- Lipovans	Every ethnic minorities makes a program in its' language one hour/, so a total of 6 hours/week attached to minorities. Specific shows contain information, interviews, reportages and music belonging to ethnicities.
CONSTANȚA/ CONSTANȚA	RADIO T/ DEMOCRATIC TURKISH UNION FROM ROMANIA	Turkish Tatar	In Turkish a 49 hours/week program is broadcast, and in Tatar 10 hours/week, so a total of 59 hours/week, in cultural, religious shows, traditions of the two ethnicities.
BRAȘOV/ BRAȘOV	RADIO VOCEA SPERANȚEI /SC DINAMIC AUDIO - SERV SRL	Hungarian	MONADAY-THURSDAY:16.30-17.00, Religious content shows in Hungarian

CABLE TELEVISION (TV-C)

LOCALITY/ COUNTY	STATION/ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
IZVORUL CRIȘULUI/CLUJ	SC AIRKAB SERV SRL	Hungarian	Thematic: General Program Content: Videotext 10.080 min/week out of which 3.024 in Hungarian, information
FLOREȘTI/CLUJ	SC ATLAS MEDIA SRL	Hungarian	Thematic: General Total local program broadcast 10.080 min/week Program Content : information, educational, cultural, religious, entertainment, publicity And a weekly news culture and education show in Hungarian
BAIA MARE/MARAMUREȘ	CANAL 7 SRL/TL+	Hungarian	310 min/week debate + entertainment
SATU MARE /SATU MARE	NEW IMAGE SRL/TV1 SATU MARE	Hungarian	60 min/week entertainment
ARAD/ARAD	INFO TV/ INFOTON SRL	Serb	Aprox. 58 min./week "The show in Serb", with 100% cultural content presenting cultural and/or cultural- religious specific events. Sometimes, when such events are missing specific Serb music is broadcast becoming 100% entertainment.
REGHIN / MUREȘ	DAREGHIN TV /PR DAVIDSON SRL	Hungarian	50 min / week- talk show dedicated to Hungarian community from Reghin Municipality 20 min /week - show dedicated to the young
		German	30 min / week - talk show dedicated to Germane community from Reghin Municipality
TÂRGU MUREȘ/MUREȘ	STII TV /INFO STATISTICS SRL	Hungarian	The program is bilingual (Romanian- Hungarian) 40 min/week – Euro Muzic Club – music/entertainment.
TÂRGU MUREȘ/MUREȘ	TÂRGU MUREȘ TELEVISION/MARKETIN G POLITIC SI SONDAJE SRL	Hungarian	100 min/week – news 240 min/week - talk show 60 min/week- sport
SOVATA, SĂRĂȚENI / MUREȘ PRAID, OCNA DE JOS, OCNA DE SUS, CORUND / HARGHITA	SOVIDEK TV / DIGI COMMUNICATION SRL	Hungarian	240 min / week Entertainment, cultural shows, music
BRAȘOV/ BRAȘOV	TVS/SC FASTPROMO SRL	Hungarian	Monday: 12.00-13.00 ;15.00-16.00 Tuesday: 13.30-14.30 Saturday: 13.00-14.00 The First Broadcast Sunday: 0.00-01.00;09.00-10.00;5.00-6.00 Producer: Balint Ferenc 420 min/week, with reportages rebroadcasts,, interview , news concerning the Hungarian community
APAȚA/ BRAȘOV	APAȚA TV / APAȚA VILLAGE	Hungarian	INFOTEXT in Hungarian and Romanian Shooting on the occasion of events development from the community,. Ex. Carnavalul Farșang, Împușcatul Cocoșului.

SATELLITE TELEVISION (S-TV)

LOCALITY/ COUNTY	STATION/ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
CLUJ- NAPOCA/CLUJ	TVR CLUJ/ROMANIAN BROADCASTING ASSOCIATION	Hungarian German Ukrainian Rromani About Jewish	General 10 hours/week Program Content: information, educational, cultural, religious, movies, entertainment 10 min/week - information 10 min/week-information 30 min/week- information 10 min/week- information
ARAD/ARAD	WEST TV/ ASTRA VAGOANE CĂLĂTORI SA	Hungarian	Aprox.50 min/week „Mozaic Duminical”, with 100% informational content: news from the complete week and reportages
TIMIȘOARA/TIMIȘ	ALFA OMEGA TV/ALFA OMEGA TV PRODUCTION SRL	Hungarian German Serb Bulgarian	60 minute/week, cultural-religious program 60 minute/week, cultural-religious program 60 minute/week, cultural-religious program 60 minute/week, cultural-religious program
TIMIȘOARA/TIMIȘ	TVT 89/MCT IMPEX SRL	Hungarian	50 minutes/month, cultural program
TIMIȘOARA/TIMIȘ	TIMIȘOARA TERRITORIAL STUDIO/ SRTV	Hungarian German Serb Croat Slovak Ukrainian Bulgarian Romani	80 minutes/week, general program 120 minutes/month, general program 120 minutes/month, general program 40 minutes/month, general program 40 minutes/month, general program 40 minutes/month general program 40 minutes/month, general program 120 minutes/six weeks, general program
TÂRGU MUREȘ/MUREȘ	TÂRGU MUREȘ TERRITORIAL STUDIO / ROMANIAN TELEVISION ASSOCIATION	Hungarian	1920 min/week– general program

SATELLITE RADIO (S-R)

LOCALITY/ COUNTY	STATION /ASSOCIATION	MINORITY	PROGRAM DURATION+ PROGRAM CONTENT COMMENTS
ORADEA / BIHOR	MARIA RADIO / MARIA RADIO ERDELY SRL	Hungarian	5040 minutes /week; Thematic: Confessional; religious music, interest news for believers, cultural shows. Radio Vatican rebroadcasts– 5 %
ORADEA / BIHOR	RADIO VOCEA EVANGHELIEI / RADIO VOCEA EVANGHELIEI SRL	Hungarian	105 minutes / week; Thematic: Confessional; It broadcasts religious music and cultural-spiritual shows.
ORADEA / BIHOR	RADIO VOCEA EVANGHELIEI / RADIO VOCEA EVANGHELIEI SRL	Rromani	30 minutes / weeks; Thematic: Confessional; It broadcasts cultural-spiritual shows.
ORADEA / BIHOR	RADIO VOCEA EVANGHELIEI / RADIO VOCEA EVANGHELIEI SRL	Arabian	30 minutes / week; Thematic: Confessional; It broadcasts cultural-spiritual shows.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Romania

**Recommendation RecChL(2012)3
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Romania**

*(Adopted by the Committee of Ministers on 13 June 2012
at the 1145th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Romania on 29 January 2008;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Romania;

Bearing in mind that this evaluation is based on information submitted by Romania in its initial periodical report, supplementary information given by the Romanian authorities, information submitted by bodies and associations legally established in Romania and the information obtained by the Committee of Experts during its on-the-spot visit,

Having taken note of the comments made by the Romanian authorities on the contents of the Committee of Experts' report;

Recommends that the Romanian authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt a structured approach for the implementation of each undertaking under the Charter, in co-operation with representatives of the minority language speakers;
2. develop comprehensive educational models for teaching in/of Tatar and Turkish, in co-operation with representatives of the minority language speakers;
3. provide the basic and further training of a sufficient number of teachers to fully implement the undertakings under Article 8 with regard to German, Hungarian, Turkish and Ukrainian;
4. continue to develop a comprehensive offer of teaching in/of Romani, taking account of the needs and wishes of the Romani speakers;
5. reconsider the thresholds for official use of minority languages in administration;
6. improve the offer of radio and television broadcasts in the Part III languages.