

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**



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**Comments of the Government of Romania on the Fifth Opinion of the Advisory Committee on the
implementation of the Framework Convention for the Protection of National Minorities
by Romania**

received on 24 August 2023

Comments of the Government of Romania to the Fifth Opinion on Romania, adopted on 3 April 2023

I. Important aspects concerning the protection of the rights of persons belonging to national minorities in Romania

Romania was among the first States that signed the Framework Convention for the Protection of National Minorities on the very day of its adoption, namely February 1, 1995 and the first State to ratify it on 29 April 1995. This gesture confirms the commitment assumed by the Romanian political spectrum and by the Romanian authorities towards the protection and promotion of the rights of persons belonging to national minorities.

This commitment proved strong and was reflected in the significant legislative measures and the important financial allocations in favour of persons belonging to national minorities living in Romania. The said commitment and the measures adopted by the Romanian authorities in favour of persons belonging to national minorities were noted and highlighted by the Advisory Committee on the Framework Convention/ACFC in its Opinions on Romania.

Romania has successfully applied the policies of *interculturalism* and managed to develop, with the important and substantial contribution of the members of national minorities that live on its territory, a system for the protection of their rights which stands above international standards in the field. This system is efficient in protecting and promoting the cultural, linguistic and religious identity of persons belonging to national minorities who live on the territory of Romania.

For example, among the principles that regulate undergraduate and graduate education as well as lifelong learning in Romania, listed in Article 3 of the Law no. 1/2011 on National Education, are the principle of guaranteeing the cultural identity of all Romanian citizens and intercultural dialogue; the principle of assuming, promoting and preserving the national identity and cultural values of the Romanian people; the principle of recognizing and guaranteeing the rights of persons belonging to national minorities; the right to maintaining, developing and expressing their ethnical, cultural, linguistic and religious identity.

Still on the subject of education, as this is a vital area for the preservation and development of one's own identity, it is to be stressed that in Romania the right to education in the mother tongue is guaranteed by the Constitution and implemented in practice by the aforementioned Law on National Education. The implementation of the measures that guarantee the education for persons

belonging to the national minorities is carried out through the State Secretariat for Education in the Languages of National Minorities, within the Ministry of Education.

Romania's direct interest in having a national framework for the protection of the rights of persons belonging to national minorities was expressed and fully agreed since the 90s by all Romanian political forces.

In concrete terms, Romania protects the right of every individual belonging to a national minority to the use of the mother tongue, to the learning of the mother tongue, to being educated in the mother tongue, to professing freely and unimpeded his/ her religion, to having media (printed and verbal) in the minority languages, to participation in the public life and decision making in problems concerning them and the whole Romanian society.

Beyond the specific rights, the minorities in Romania are fully provided with effective participation in the political life of the country through the system created. They are members of Parliament, parliamentary groups, leaders of different Committees of the Parliament, they have positions in Government, elected mayors, local or county councilors. In effective terms, persons belonging to national minorities are involved in political decision-making at all levels¹

¹ **Following the last parliamentary elections (2020), 48** national minorities representatives became MPs as follows: 21 UDMR deputies, 18 Minorities group deputies and 9 UDMR senators. The **2020 local elections** brought **209** *mayors* for the representatives of Hungarian minority (UDMR, Transylvanian Hungarian Alliance, Civic Hungarian Party and Hungarian People's Party of Transylvania), **5** mandates for the Democratic Forum of the Germans of Romania, **1** mandate for the Union of the Ukrainians of Romania, **1** mandate for the Democratic Union of Slovaks and Czechs of Romania and **1** mandate for the Lipovan Russians Community of Romania. Following the same elections, the representatives of Hungarian minority ((UDMR, Transylvanian Hungarian Alliance, Civic Hungarian Party and Hungarian People's Party of Transylvania) obtained **2635** *local councillor seats*, the representatives of Roma minority (Association Partida Romilor Pro Europa, Rroma Phralipe Party, Alliance for Rroma Unity) obtained **117** local councilor seats, the Democratic Forum of the Germans of Romania obtained **68** local councilor seats, the Union of the Ukrainians of Romania obtained **39** local councilor seats, the Democratic Union of Slovaks and Czechs of Romania obtained **23** local councilor seats, the Union of the Serbs of Romania obtained **16** local councilor seats, Lipovan Russians Community of Romania obtained **15** local councilor seats, the Cultural Union of the Ruthenians of Romania obtained **5** local councilor seats, the Bulgarian Union of Banat obtained **4** local councilor seats and the Union of the Poles of Romania obtained **3** local councilor seats. As for the *county councilor mandates* obtained following the 2020 local elections, **99** went to the representatives of Hungarian minority (UDMR, Transylvanian Hungarian Alliance) and **5** went to the Democratic Forum of the Germans of Romania. UDMR gained the presidency of **4** county councils.

Romania is a standalone example in what concerns the constitutional provision guaranteeing the participation of the minorities within the Parliament: **in accordance with article 62(2) of the Romanian Constitution, republished, organizations of citizens belonging to national minorities, which do not receive the number of votes in the elections to be represented in the Parliament, have the right to one deputy seat each, under the terms of the electoral law.** This proves once more the trust the Romanian authorities have placed in the representatives of national minorities and in their contribution to the good governance of the Romanian society.

The highest testimony of the acceptance by the entire Romanian society of the fundamental values promoted by Council of Europe remains the election in 2014, through universal suffrage, of the President of Romania - the highest position within the Romanian state - of a Romanian citizen, of German ethnicity.

The system of protection of the rights of persons belonging to national minorities built by the Romanian Government revolves around the right of the individual, as a fundamental right inherent in each person that identifies itself as belonging to a certain minority. Romania does not recognize the concept of collective rights for national minorities. The system of protection of the rights of persons belonging to national minorities has been considered since its inception as being based on the principle of inviolability of the human person and not intended to transform national minorities into a distinct subject of international law.

One of the concrete manifestations of the concept of *collective rights* for national minorities that could lead to the *territorialization* of ethnicity and of national identity is territorial autonomy on ethnic grounds.

There is no international law provision, which stipulates the necessity or even the possibility of ensuring the exercise of these rights through political-administrative or territorial arrangements, defined on ethnic basis. This is confirmed by the Venice Commission in its Opinion on the ethno-cultural status of the District of Taraclia, “there is no such right to special territorial arrangements for minorities in international law”².

On the contrary, international law emphasizes the need to integrate all citizens, irrespective of ethnicity, into the societies where they live while ensuring the

² CDL-AD(2016)035-e Republic of Moldova - Opinion on the Draft Law on the Ethno-Cultural Status of the District of Taraclia, adopted by the Venice Commission at its 109th Plenary Session (Venice, 9-10 December 2016).

conditions for the proper exercise of the specific identity rights, namely, ethnic, cultural, linguistic, religious rights. Or, such objectives cannot possibly be achieved through arrangements that lead to ethnic segregation, to societal fragmentation on no other reasons but ethnicity.

We have witnessed, even in contemporaneity, many situations where segregation on ethnic basis, the development of societal parallelism led to conflict, not to integrated societies based on peaceful co-existence, reciprocal acceptance and respect.

The OSCE High Commissioner on National Minorities expressed as well concerns on the consequences of segregation on ethnic basis: “[s]eparation between communities and groups is generally not a good basis on which to build a well-functioning society with good prospects for sustainable stability” (*Guidelines on Integration of Diverse Societies*)”.

As a *disclaimer*, the Government of Romania emphasizes that references in these Comments to “national minorities/minorities” cannot, in any circumstance, be considered as an implied recognition by the Romanian Government of collective rights for national minorities. Additionally, Romania emphasizes that 20 historical national minorities live on its territory, the references in the Framework Convention to national minorities being a reference to these national minorities for the purpose of its application on the territory of Romania.

II. Article-by-article findings

Under this chapter, we recall the *Reply of the Romanian Government to the List of questions of the ACFC*³, which presented, in a detailed manner, relevant and updated information concerning the protection of the rights of persons belonging to national minorities in Romania from the perspective of the rights provided by the Framework Convention for the Protection of National Minorities.

In addition to the information enclosed in the aforementioned document and in response to the content of the 5th Opinion of the ACFC on Romania, we mention the following:

³ Reply of the Romanian Government to the List of questions of the ACFC (45 pages), sent on 29 June 2022 to the Secretariat of the Framework Convention for the Protection of National Minorities.

Article 3 of the Framework Convention

❖ Scope of application; Population census – the right to free self-identification

In paragraph 34, ACFC underlines that recognition as a national minority has a declaratory rather than a constitutive character and therefore access to minority rights should not depend on formal recognition. Promoting such an approach would lead to a *de facto* recognition of some groups as national minorities, irrespective of the historical, social, political realities or the scientific arguments. Precisely this type of arguments justify the margin of appreciation left to the States in determining which groups have national minority status on its territory and are entitled to the corresponding legal protection. In any case, such an approach would be contrary to the scope of the Framework Convention itself, which leaves to the States the right to recognize the existence of national minorities on its territory and identify which group qualifies formally for this status. See in this respect the explanatory report to the Framework Convention for the Protection of National Minorities, which specifies in relation to Article 5 para 1 that *not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities*.

One should not conflate the formal legal status attached to a national minority with the regime of protection for identity rights, which a state can voluntarily grant to its citizens who have cultural or religious particularities as compared to the majority population but who do not belong to a group that meets the conditions for being considered as a national minority. Moreover, such voluntary measures should not necessarily reach the comprehensive level of protection corresponding to the status of a national minority, but should be adapted to the specific identity elements (culture, religion) intended to be protected. For example, as far as Aromanians are concerned, which are not a national minority in Romania, the political and social rights are achieved in accordance with the general regime and not in accordance with the special rules dedicated to the protection of specific identity rights recognized to persons belonging to national minorities. On the other hand, the promotion of Aromanian traditions and culture is ensured under the cultural dimension of the Framework Convention.

As concerns the persons belonging to the Csango group, in line with the principle of self-identification, the Romanian Government affords to these persons either the protection as members of the Hungarian minority, or, to those who consider themselves ethnic Romanians, support provided for preservation of their specific customs, traditions and culture.

❖ Population census – participation of persons belonging to national minorities

Regarding the participation of persons belonging to national minorities in the census process and raising awareness of its importance, we salute the fact that the ACFC positively noted the proactive approach of the Romanian authorities⁴ and we stress the importance of this approach.

In this context, we would also like to stress that, according to information received from the National Institute of Statistics/NIS, in the 2021 Population and Housing Census/PHC, the recording of the ethnicity, the mother tongue and the religion was done based on the free declaration of the persons counted. For the persons who refused to declare these three characteristics, as well as in the case of persons for whom the information was indirectly collected from administrative sources, the information regarding these three characteristics is not available. Therefore, the compositions presented below for the 3 ethno-cultural characteristics are calculated according to the total number of persons who declared their ethnicity, mother tongue and religion, and not according to the total number of the usually resident population.

The information regarding ethnicity was available for 16,568.9 thousand persons (of the total 19,053.8 thousand persons that make up Romania's usually resident population). 14,801.4 thousand persons (89.3%) declared they were of Romanian ethnicity. The population of Hungarian ethnicity recorded in the census amounted to 1,002.2 thousand persons (6.0%), and the number of people who declared they were of Roma ethnicity amounted to 569.5 thousand persons (3.4%). The other ethnic groups for whom a number of persons greater than 20 thousand was recorded were: Ukrainians (45.8 thousand persons), Germans (22.9 thousand persons) and Turks (20.9 thousand persons).

⁴ Paragraph 48 of the Opinion.

Based on the free declarations of the 16,551.4 thousand persons who declared their mother tongue, the composition of the population by mother tongue is as follows: for 91.6% the Romanian language is the first language usually spoken in the family during childhood, and for 6.3% of the persons the Hungarian language is their mother tongue; Romani was the mother tongue of 1.2%, and the Ukrainian language was the mother tongue of 0.2% of the total usually resident population for which this information was available.

The confessional composition (16,397.3 thousand persons of the total usually resident population declared they belonged/did not belong to a certain religious denomination) shows that 85.3% of the persons who declared their religion were Orthodox, 4.5% declared themselves Roman Catholic, 3.0% belonged to the Reformed Church and 2.5% were of the Pentecostal denomination. Weights ranging between 0.4% and 0.8% were reported for the following religions: Greek Catholic (0.7%), Baptist (0.6%), 7th Day Adventist and Muslim (0.4% each). 0.9% of the total population declared they were “without religion” or atheists or agnostics.

As regards the activities carried out by the Romanian Government through the Department for Interethnic Relations/DIR for the promotion of the census among the persons belonging to minorities, we mention the following:

- logistical support to the National Institute of Statistics in *the translation of the questionnaire used in the census into 16 national minority languages*: Hungarian, Italian, Slovak, Polish, Serbian, Turkish, German, Bulgarian, Russian, Armenian, Albanian, Romanian, Greek, Ukrainian, Croatian, Czech, closely cooperating with the organizations of national minorities;
- *meetings with representatives of organizations of citizens belonging to national minorities who are members of the Council of National Minorities with the aim of promoting the participation of national minorities in the census and informing them about the census process*: in Bucharest, with representatives of the Union of Ukrainians in Romania, in Sibiu, with representatives of the FDGR, in Bucharest with the representatives of the Community of Russian Lipovans in Romania and the Union of Bulgarians in Romania, in Constanța with representatives of the Turkish and Tatar communities and the Mufti's Office of Muslim Cult of Romania;

- specific events organized by minority organizations, such as *"Youth: part of multiculturalism and intercultural education in Romania"*, held by the Union of Ukrainians in Romania in Sinaia, at the beginning of 2022. During the event attention was drawn to the fact that young people can contribute both to exercising their rights and to facilitating the collection of accurate data by helping those in their environment who lack the digital skills needed to complete the online census questionnaire. At the same time, the consequences for the rights of persons belonging to national minorities of non-participation and non-assumption of ethno cultural characteristics were underlined.

From the beginning of the first stage of direct data-collection of the census, the Romanian Government through the DIR developed a series of *activities aiming to promote the census among persons belonging to minorities. 20 interviews were carried out with the representatives of the minorities* (presidents of the organizations or their representatives in the Parliament) in order to give them the possibility not only to address the representatives of their community but also to present their concerns and challenges regarding the census. Issues related to accessibility of the online questionnaire, to the questions concerning ethnicity and mother tongue, issues related to technical difficulties were addressed by the Government through DIR in various communication tools in order to help the public proceed with the census.

As part of the integrated communication action, the Romanian Government through DIR with support from the organizations of citizens belonging to national minorities produced *the audio-video spot⁵ "Express your identity in the 2022 Population and Housing Census!" related to the public information campaign: "Now it's about you! Express your identity!"* (campaign addressed to members of national minorities in Romania, with the aim of assuming ethnic, religious and linguistic belonging). By Recommendation no. 14/27 April 2022 of the National Audiovisual Council/NAC⁶, this institution recommends broadcasters to support, as a public service announcement, the radio-TV spot "Express your identity in the framework of the Population and Housing Census 2022!", related to the public

⁵ [Exprimă-ți identitatea în cadrul Recensământul Populației și Locuințelor 2022! – DRI.GOV.RO-Departamentul pentru Relații Interetnice](#)

⁶ The National Audiovisual Council in Romania is an autonomous public institution under parliamentary control.

information campaign "Now it's about you! Express your identity! addressed to members of national minorities in Romania, with the aim of promoting ethnic, religious and linguistic identity. The radio-TV spot was broadcasted on national, regional and local radio and TV services until 17 July 2022. The spot has been produced in cooperation with national minority organizations as part of the collaboration in the preparation and promotion of the census process.

Article 4

❖ *Legal framework on protection of national minorities*

Under this chapter, we salute the mentioning, by the ACFC, that “Romania has a solid legal and policy framework for the protection of persons belonging to national minorities”⁷ and that the current legal framework in Romania “provides a relatively high level of protection for the 20 recognised minorities in all areas covered by the Framework Convention”⁸.

Indeed, the relevant legislation in the field of protection of the rights of persons belonging to national minorities is general in nature and applies indiscriminately. Any action or lack of action on the part of the local authorities which infringes upon the human rights, including the rights of persons belonging to national minorities, is subject to judicial scrutiny, the access to justice being constitutionally guaranteed. There are also mechanisms required by any rule of law system that ensure the uniform application and interpretation of any piece of legislation, the legislation in the field of national minorities making no exception.

Concerning the references to the current legal framework on protection from antigypsyism (paragraph 56 and the related paragraph 61), we underline the importance of *Law no. 2/2021 on certain measures for preventing and combating antigypsyism*, adopted in January 2021.

❖ *Anti-discrimination legal and institutional framework*

With respect to the reference that the anti-discrimination law does not contain provisions on segregation in education (paragraph 63 of the Opinion), we would like to stress the following:

- i. The NCCD has been seized occasionally with complaints on school segregation of Roma children manifested in different forms.

⁷ Paragraphs 1 and 53 of the Opinion.

⁸ Paragraph 59 of the Opinion.

- ii. In its jurisprudence⁹, NCCD has ruled that school segregation of Roma children constitutes a form of discrimination based on ethnic origin and it is therefore prohibited by the anti-discrimination law. NCCD sanctioned school segregation in absence of an explicit prohibition in the national law but referred extensively to the case law of the European Court of Human Rights and the national policies in education that prohibit school segregation.

❖ *Discrimination against Roma in education*

In relation to school segregation, as a discriminatory practice, the following must also be considered:

In paragraph 87, ACFC evokes the complaint of the representatives of the Roma minority that Roma minority is seen in the society as a *vulnerable group* rather than a national minority.

In our view, the approach taken by ACFC in the Opinion, especially with respect to the topic of school segregation, leads to the conclusion that the ACFC itself considers the Roma minority as a vulnerable group, rather than a national minority, while urging the Romanian authorities to take all necessary measures to combat segregation of Roma minority in schools (paragraph 80).

It is, however, imperative that the concept of segregation in relation to national minorities be framed with clarity and applied consistently in relation to all national minorities, without distinction. At the same time, such concept must not be empowered over the imperative of integrating persons belonging to national minorities into the society, as citizens of the respective State.

Concerning paragraph 76, we would like to mention that the draft law on pre-university education proposed by the Ministry of Education and adopted by the Parliament includes a chapter on *school desegregation* and specific provisions are made on *discrimination in schools*. The draft law is currently scrutinized by the Constitutional Court.

Article 6

⁹ See Appendix

Protection from hate crime and hate speech

With regard to Article 77 of the Romanian Criminal Code, we remind that it mentions the following criteria under aggravating circumstances:

The following circumstances constitute aggravating circumstances: (...) h) committing the crime for reasons related to race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, chronic non-communicable disease or HIV/AIDS infection or for other circumstances of the same kind, considered by the perpetrator as causes of the inferiority of a person in relation to the others.

In addition, with respect to the recommendation included in paragraph 13, according to additional information received from the Public Prosecution Office, the project SIPOCA 871 is ongoing, aiming at highlighting the specific discrimination on ethnic basis for each criminal offense to which article 77 letter h) is applicable, the instances of discrimination on ethnic basis related to Jewish, Hungarian or Roma being registered separately.

In this context, we also underline that the establishment of a specialized unit within the Romanian Police, for the investigation of the hate crimes, doubled by training sessions for police officers investigating hate crimes within a project on increasing the Quality of Police Services in cooperation with Oslo dedicated police structure, has led to an increase in the institutional capacity to handle this type of crime.

The Romanian Police has developed a uniform methodology for the identification of hate crimes and the systematic collection of statistical data on these categories of offences, disaggregated according to the place of occurrence (online or physical) and the criteria of discrimination set out in the Criminal Code. During 2022, the template for collecting data, as well as the methodology was piloted. Starting this year, new statistical indicators on sex and age of perpetrators were added.

In order to streamline the prosecution activity in the investigation of this type of crime, the Romanian Police apply the provisions of the Methodology for the investigation of hate crimes, developed by the Prosecutor's General Office.

The General Inspectorate of the Romanian Police collects statistical data on hate crimes, which have been available since January 1, 2022. The statistical data is

detailed for each of the discrimination criteria provided in Article 77, letter h) of the Criminal Code, with distinct statistical indicators provided for each basis of committing the offense.

In the current data and information collection system within the Romanian Police, these data reflect the dynamics of criminal cases and hate-motivated offenses, as well as the characteristics of suspects and victims (their gender and age group). It also includes the number of individuals subject to preventive measures and the discrimination criteria underlying the commission of the offenses.

In order to ensure the accurate implementation of statistical data based on the indicators provided in the statistical system of the Romanian Police, unified methodological norms have been developed and are used by police officers within the operational and judicial statistical records structures.

In what concerns cases of investigation towards police misconduct against Roma (the recommendation included in paragraph 14), the Order no. 59/2021 of the Prosecutor General on efficiency of investigations where State agents are charged with ill-treatment committed in the exercise of their functions stipulates the following:

- the Public Ministry monitors the investigations into crimes foreseen by Criminal Code in articles 280 (abusive prosecution), 281(submission to ill treatment) and 296 (abusive conduct), as well as the crimes against life, physical integrity or health perpetrated by using fire arms by police officers;
- the competence to investigate falls with
 - the Prosecutor's offices attached to Tribunals, when the crimes are perpetrated by police agents and
 - the Prosecutor's offices attached to the Appeal Courts when the crimes are perpetrated by police officers;
- the Prosecutor's Office attached to the Tribunal of Bucharest or to the Bucharest Court of Appeal, respectively, takes over the cases mentioned above if the victim is in the state custody

when the crime were committed and present traumatic injuries attested by medical or forensic documents;

- a qualitative and quantitative monitoring of the criminal investigations is conducted by assigned prosecutors;
- the investigation must comply with standards developed by the European Court of Human Rights.

The Prosecutor's Office attached to the High Court of Cassation and Justice is involved, limited to its competences, in the implementation of the Governmental Strategy on the inclusion of Romanian citizens belonging to Roma minority (2022-2027), approved by Government Decision no. 560/2022.

As far as the Romanian Police is concerned, public order structures fulfill their duties of maintaining public order through patrols and intervention at events. The specific activities and interventions of the police are carried out based on and in accordance with the law, their own regulations, and procedures that regulate situations within their jurisdiction, without discrimination including on ethnic criteria. Furthermore, in the actions/activities of public order police officers, they only consider the role of individuals in committing law violations, participation, and the necessity of holding them accountable according to the law.

Regarding the implementation of police measures, they are governed by the provisions of Law no. 218/2002, amended by the entry into force of Law no. 192/2019. The principles of proportionality and graduality are put into practice, as needed, to avoid threats or illegal activities.

Post-secondary schools under the General Inspectorate of the Romanian Police/GIRP ensure the implementation of the curriculum for the qualification of Police Agent Level 5. Graduates of the educational institutions of the Ministry of Internal Affairs are prepared to approach and resolve professional situations in accordance with the current legal framework and procedures. In order to properly size the training of future police officers, the course support includes a thematic segment dedicated to the protection of human rights, prevention of interethnic or intercultural/interfaith conflicts, techniques and methods for resolving ethnic conflicts, ways to prevent discriminatory acts, and the motivation of hatred. Likewise, continuous professional development through courses has aimed at designing training programs that aim to strengthen the professional skills of

police officers, in terms of achieving a change in attitude and increasing awareness and tolerance including in relation to ethnic diversity.

At the level of the Training and Development Center for Police Officers "Nicolae Golescu" Slatina, under the authority of the GIRP, training programs are managed for various police work areas (courses on the prevention and combating of hate-motivated crimes and initiation into the Romani language and culture, training stages on "Prevention of Offenses - Emergency Calls and Duty Officer" for police officers within the structures subordinate to the Operational Center (dispatch, emergency calls 112), as well as training sessions in the field of effective communication in crisis situations dedicated to workers within the 112 Dispatch Center, specialized courses in Judicial Police and specialized courses in foreign languages for personnel in the structures combating organized crime.

In 2022, the Institute for Crime Research and Prevention continued the national project "Without Discrimination!" which included the following activities:

- 334 information sessions with police officers from public order, traffic, criminal investigations, special operations, internal control, security structure, forensics, etc., attended by over 5,284 beneficiaries;
- 832 preventive and educational activities consisting of: conducting meetings (face to face/online) with students/teachers/institutionalized children, participating in various workshops, providing recommendations on non-discrimination and hate-motivated crimes, distributing informative materials, posting thematic messages online. Approximately 21,600 people from various social categories were beneficiaries of these activities (19,650 students, 1,950 teachers, and other categories: parents, social center staff).

Additionally, in July-August 2022, in several counties across the country, as part of the summer workshops organized by the OvidiuRo Association, the "Skipping Rope" Campaign was carried out, aimed at reducing the victimization rate of children, especially those from disadvantaged families and multicultural communities. Within the campaign, 109 actions were conducted, involving 1,370 children, 265 teachers, and 35 parents. Police officers from crime analysis and prevention structures discussed children's rights and obligations, risky situations in which children may find themselves in different settings (home, playground, school), and provided recommendations for preventing discrimination and hate-motivated crimes.

Article 9**Media in minority languages**

With regard to paragraph 134 (training for journalists), we underline the following:

- in 2021, 310 employees of the Romanian National Television participated in 1,792 hours in 66 training courses.
- in 2022, 205 employees of the Romanian National Television participated in 2441 hours in 45 training courses.

In relation to the allocated funds, Hungarian journalists benefited from professional training courses, the optimal solution being the organization of courses at the TVR headquarters, with the participation of specialized Hungarian-speaking trainers.

Article 10

❖ *Use of minority languages in contact with authorities – legal developments*

ACFC considers, implicitly, that the 20% threshold is too high in application of the criterion "in substantial numbers" prescribed by the Framework Convention (paragraph 142). It is however understood that stipulating such a criterion - in the form of a percentage - is part of the margin of appreciation of the States. Furthermore, it has not been highlighted so far that the threshold established in the Romanian legislation would, in any way, affect the protection regime granted by the Romanian authorities to the national minorities on its territory. Thus, for Romanian authorities, *in substantial numbers* translates into the threshold of *at least 20%* of the inhabitants of a certain administrative territorial unit.

❖ *Implementation of minority language rights in contact with authorities*

Concerning paragraph 147, it is to be noted that it might be construed as criticism towards the case-law of domestic courts in the field of the rights of persons belonging to national minorities, which exceeds the competence of the ACFC.

With respect to the access to education of persons belonging to national minorities, it is worth underlying that in 2022 the Ministry of Internal Affairs foresaw both for the Police Academy and for police college schools, special places for Roma (49 places) and for other national minorities (56 places) among the total number of seats allocated for these educational institutions. This measure

fully reflects the efforts of the Romanian authorities aiming at ensuring employees speaking minority languages at the level of public authorities¹⁰.

Article 12

❖ *Intercultural education and knowledge about national minorities*

In relation to paragraph 167, it is worth mentioning that according to the curriculum for the subject *History* for lower secondary education (classes V-VIII), the following objectives are pursued: “developing elements of critical thinking; developing skills in working with historical and information sources and placing them in context; the development of the ability to analyse and evaluate the motivations of human action, to detect the relationship between between human action and the values of a democratic society; the formation of intellectual mechanisms to prevent the emergence of stereotypes, to combat discrimination and xenophobia; to stimulate the assumption of multiculturalism and multiple perspectives; to provide factual support to the other subjects in the Human being and Society curriculum area and to take over elements related to the analysis of institutions, the evolution of political systems, broader issues of citizenship and democratic values.” (see <https://www.ise.ro/wp-content/uploads/2017/01/Istorie.pdf>)

With regard to paragraph 170, we mention the following:

The secondary school syllabus for the subject *History* aims to develop pupils' attitudes of appreciation of historical facts and social and cultural diversity, with a view to combating racism, xenophobia and discrimination. For example, in History lessons for the 8th grade, all pupils study topics on national minorities in Romania, the history of the Roma, and the Holocaust in Romania.

The entire *Romanian language curriculum* for secondary school promotes cultural and intercultural empathetic behaviour. The new secondary school curricula present updated perspectives on personal, national, cultural and linguistic identity, cultural differences, European cultural and linguistic contacts, all included in a component called Elements of Interculturality.

The draft law on pre-university education, adopted by the Parliament includes an article which specifies that the national offer of optional subjects for secondary and high school includes "History, Slavery and Deportation of Roma" as an optional modular school subject.

¹⁰ With regard to paragraph 151 of the Opinion.

❖ *Access of Roma to education*

Concerning paragraph 174, it is to be noted that, in order to ensure equality of opportunity and the inclusive and non-discriminatory nature of education, in the exceptional circumstances of teaching activities being carried out predominantly through technology and the Internet, in the first semester of the 2020-2021 school year, the Ministry of Education has assessed that remedial education activities are necessary for the second semester of that school year in order to develop the competences of all pupils and their preparation, particularly in situations where teachers and pupils have had no or limited access to technology.

The Ministry of Education implemented the project "National Programme of Remedial Activities for Pupils", which targeted primary and secondary school pupils at risk of early school leaving and/or school failure, including pupils belonging to vulnerable groups, in particular pupils who have had no or poor access to educational activities through technology and the internet. The remedial activities funded by the above-mentioned project ran from March to August 2021, with a target group of 168,000 pupils.

The project budget for the implementation of the national pilot programme "School after School" is 146,120,664 lei (equivalent to approx. 30,000,000 euro), and was allocated under the Human Capital Operational Programme 2014-2020.

According to the reports submitted by the county school inspectorates, over 189,000 primary and secondary school pupils from more than 2,300 schools benefitted of the programme, including Roma children.

Article 14

❖ *Education in and of minority languages*

Related to paragraph 181, it is worth mentioning that, in the Romanian pre-university education system school textbooks are made available to pupils and teachers free of charge for both Romanian and minority language education. The school textbooks for education in the languages of national minority can be textbooks developed in the language of instruction of national minorities, textbooks translated from Romanian or imported textbooks, which have been approved by the Ministry of Education. This latter solution is used especially in those situations when the number of copies needed is significantly low.

Regarding the textbook development process, the National Centre for Education Policy and Evaluation (CNPEE), a body under the coordination of the Ministry of Education, is the institution responsible for organising the evaluation of textbook projects and the open tender for the purchase of textbooks. The content

of any textbook is subject to the evaluation process organised under the authority of CNPEE and run by a panel of experts chosen following a selection process.

The textbooks selected following the evaluation and procurement process are approved by order of the Minister of Education; electronic versions of these textbooks are uploaded on the Ministry of Education's school textbook platform (<https://www.manuale.edu.ro/>), where they can be accessed and downloaded free of charge by pupils, teachers, parents and any other interested parties.

The printing of smaller number of copies is financially supported by the Ministry of Education and, for example, the Didactic and Pedagogical Publishing House has printed textbooks in the language of national minorities in the necessary number to be used in the classrooms (see <https://www.edituradp.ro/carti/manuale-in-limbile-minoritatilor-nationale--i137-p3>).

❖ *Learning of the official language*

With respect to paragraph 188, we would like to point out that the Law on Education no. 1/2011 specifies the list of subjects included in the Baccalaureate exams. The law was approved with the support and after consultations with the representatives of the national minorities.

As for paragraph 189, it is to be noted that the Ministry of Education included in the last PISA exercises a subsample of students learning in Hungarian.

With regard to paragraph 190, the examination on the specific curricula and educational materials for national minority was organised in 2021 (for the school year 2020-2021) since it was the first cohort which benefitted of the new specific curricula, introduced in 2013-2014 (8 years of study in primary and lower secondary education). This cohort will also benefit in 2025 of the specific Baccalaureate exams (4 years of study in the upper secondary education).