



# FIFTH OPINION ON ROMANIA

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

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## SUMMARY OF THE FINDINGS

1. Romania has a solid legal and policy framework for the protection of persons belonging to national minorities. Associations representing the 20 recognised minorities receive generous financial support for protecting and promoting minority cultures and have the possibility to participate in decision-making through the Council of National Minorities and reserved seats in the Parliament. Most minority representatives expressed satisfaction with the current system of protection.

### Population census and thresholds

2. A population and housing census was conducted in 2022, where persons belonging to the recognised minorities could indicate their ethnic and linguistic affiliation. Efforts were made to raise awareness of the census among minorities and translate questionnaires into minority languages. Representatives of most national minorities expect their respective numbers to decline. This leads to insecurity about the future implementation of the right to use minority languages in the administration, before courts and in the field of public signage, as the use of linguistic rights is conditioned on a 20% threshold. The insecurity is exacerbated by the fact that the new Administrative Code adopted in 2019 no longer guarantees the upholding of language rights in cases in which the number of persons belonging to a given minority falls below 20%. The fact that the Code explicitly allows for a margin of discretion if the threshold is not met can be considered as an improvement. However, in terms of legal clarity, this is not an adequate replacement for the stipulation to maintain the status quo contained in the repealed Law on local public administration. Despite previous recommendations to this end, the use of minority languages in contact with public authorities continues to be seriously hampered by the fact that the necessary administrative forms have still not been approved by the government. Furthermore, legal uncertainty persists with regard to the exact scope of the possibility to make targeted recruitment of minority language speakers in the public service.

### Roma

3. The progress achieved in the framework of the “Strategy for the Inclusion of Romanian Citizens belonging to the Roma minority for the period 2015-2020” is difficult to assess due to a lack of clear baseline indicators and a systematic evaluation. It is obvious, however, that the Covid-19 pandemic led to a significant setback in several areas. Roma children were disproportionately affected by the negative impact of school closures on educational participation and attainment levels. Different forms of segregation and other instances of discrimination

in schools are continuing and the systematic monitoring of segregation by the Ministry of Education is only about to start. Antigypsyist statements, including by politicians, and online hate speech increased during the pandemic. Despite some progress through developing methodologies and conducting trainings, there has been little progress concerning the capacity to investigate and collect data on incidents of hate crime and hate speech. Police misconduct and excessive use of force against Roma continue to be a problem and were also exacerbated during the pandemic when Roma were used as scapegoats for spreading the virus. The lack of sufficiently effective oversight mechanisms and systematic initial and ongoing training continues to be an obstacle to effectively addressing potential racial bias among law enforcement officials.

### Non-discrimination

4. The legal and institutional framework on non-discrimination is satisfactory and particularly the National Council on Combatting Discrimination (NCCD) has been active in flagging, investigating and sanctioning cases of discrimination against persons belonging to national minorities. It has not hesitated to address discriminatory statements by high-level politicians. This has, unfortunately, led to an increased political instrumentalisation of the NCCD’s appointment procedure. The NCCD’s budget is insufficient to keep up with its functions. The People’s Advocate is less often addressed by persons belonging to national minorities but conducted a number of important *ex officio* investigations.

### Intercultural dialogue

5. The authorities invest considerable funds in promoting intercultural dialogue, both through the umbrella associations of national minorities and through project grants to a wider range of NGOs. The authorities and minority associations co-operated closely in providing humanitarian aid and other support to persons fleeing the war in Ukraine. While antisemitism and in particular antigypsyism continue to constitute a serious societal problem, the vast majority of Romania’s population does not perceive a distance between Romanians and Hungarians at an individual level. At a political level, however, a number of events sparked heated debates about differing interpretations of history and about the use of symbols such as flags and anthems.

### Education

6. Efforts have been made to improve the portrayal of national minorities in educational materials and to include information about minority cultures as well as about the Holocaust in the curriculum. However, more needs to be done in particular regarding awareness of the history and present situation of the Roma and the Jewish minorities. The well-established system of teaching in and of 12 different minority languages continues to function, but many languages suffer from a lack of teachers, in particular subject teachers. Adaptations in the teaching of Romanian language and literature in schools in which Hungarian is used as a language of instruction has not yet resulted in better results among Hungarian students during national exams.

### Participation

7. A good degree of formal participation of persons belonging to national minorities is guaranteed through the Council of National Minorities and the reserved seats in the Parliament. Shortcomings exist as regards the low representation of Roma in the Parliament, a lack of gender balance in both bodies, and flaws in the procedure whereby national minority associations can register to compete in national elections. Solutions need to be found in close co-operation with representatives of national minorities to ensure participation schemes provide for equal opportunities and reflect the diversity within national minorities.

## RECOMMENDATIONS

8. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Romania.

9. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

### Recommendations for immediate action

10. The Advisory Committee urges the authorities to exercise caution in applying numerical thresholds based on the results of the 2022 population census and to ensure these results are not the only indicator taken into account when defining preconditions for the exercise of minority rights. The Advisory Committee urges the authorities to ensure the possibility of using minority languages with public authorities in all areas inhabited by persons belonging to national minorities either traditionally or in substantial numbers. To this end, the authorities are recommended to consider the introduction of an alternative numerical threshold in the form of an absolute number. The Advisory Committee urges the authorities to exercise caution and flexibility in applying the 20% threshold with a view to not limiting the scope of existing rights regarding topographical signage in minority languages.

11. The Advisory Committee urges the authorities to implement the existing legislation on minority language use in contacts with public authorities and health care authorities through approving the list of bilingual forms, explicitly allowing the targeted recruitment of minority language speakers, and financially supporting local and regional authorities in covering the costs for the provision of services in minority languages.

12. The Advisory Committee urges the authorities to undertake additional efforts to address educational inequalities between Roma and non-Roma children relating to pre-school education, early dropouts and attainment levels, and the effects of the Covid-19 pandemic, taking a gender-sensitive approach. The Advisory Committee urges the authorities to take all necessary measures to combat segregation and other forms of discrimination of Roma in education.

13. The Advisory Committee urges the authorities to ensure the effective investigation, prosecution and sanctioning of hate crime and hate speech and ensure the systematic collection of relevant data.

14. The Advisory Committee urges the authorities to effectively investigate and sanction cases of police misconduct and in particular excessive use of force vis-à-vis Roma. For this purpose, the authorities should strengthen the effectiveness of oversight mechanisms and address racial bias among law enforcement officials through systematic initial and in-service training.

### Further recommendations<sup>1</sup>

15. The Advisory Committee calls on the authorities to evaluate the methodology used for the 2022 census in an open and constructive dialogue with representatives of national minorities and of communities whose affiliation was not listed in the questionnaire, with a view to expanding possibilities for free self-identification and multiple affiliations in the next census and any future data collections.

16. The Advisory Committee calls on the authorities to create the conditions necessary for the National Council on Combating Discrimination to fulfil its mandate effectively. They should ensure office-holders are independent and the institution is sufficiently resourced.

17. The Advisory Committee calls on the authorities to adopt in a timely manner a comprehensive, cross-sectoral set of measures to combat antigypsyism, in close consultation with representatives of the Roma minority.

18. The Advisory Committee calls on the authorities to identify additional ways to further promote intercultural dialogue and mutual respect based on the general understanding that integration of society is a two-way process encompassing majorities and minorities alike.

19. The Advisory Committee reiterates its call on the authorities to enter into a dialogue with representatives of minorities with a view to addressing shortcomings in the implementation of the rights to topographical signage in minority languages and to take a flexible approach over the introduction of signs displaying street names in minority languages.

<sup>1</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

20. The Advisory Committee calls on the authorities to review educational materials in close co-operation with minority representatives so as to increase awareness of issues of importance to national minorities, including about the Jewish and Roma victims of the Holocaust, and to address potential bias contained in such materials.

21. The Advisory Committee calls on the authorities to address the lack of minority language teachers through making the profession more attractive and finding effective solutions in co-operation with minority representatives.

22. The Advisory Committee calls on the authorities to address shortcomings in the system of allocation of preferential seats in the Parliament. It further calls on the authorities to review, in co-operation with minority representatives, the appointment procedures of the Council of National Minorities and of local minority councils with a view to making them more representative of the diversity within national minorities.

23. The Advisory Committee calls on the authorities to step up their efforts in improving socio-economic participation of Roma, including through the full implementation of the “Strategy for the inclusion of Romanian citizens belonging to the Roma minority 2022-2027” in close co-operation with Roma representatives. To this end, the authorities should earmark sufficient funding for the implementation of all measures outlined in the Strategy, develop quantifiable baseline and target indicators to be regularly evaluated, and focus particularly on the specific needs of Roma women and girls.

#### Follow-up to these recommendations

24. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

## MONITORING PROCEDURE

**Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee**

25. According to the information available to the Advisory Committee, the authorities did not translate the Fourth Opinion into Romanian or minority languages. The Opinion is not published on a government website. No dedicated follow-up meeting with the participation of the Advisory Committee was organised.

**Preparation of the state report for the fifth cycle**

26. The state report was received on 8 November 2019. The Advisory Committee is not aware that organisations representing and promoting the rights of persons belonging to national minorities were consulted in its preparation. No gender-related aspects of minority rights were addressed in the report.

**Country visit and adoption of the Fifth Opinion**

27. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) by Romania was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Timișoară, Oradea, Telechiu (Comuna Țețchea,

Bihor County), Satu Mare and Bucharest from 27 June to 1 July 2022. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 7 December 2022, was transmitted to the Romanian authorities on 9 December 2022 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Romanian authorities on 20 February 2023.

\* \* \*

28. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.



## ARTICLE-BY-ARTICLE FINDINGS

**Scope of application (Article 3)**

30. Romania continues to apply the Framework Convention to the 20 groups represented in the Council of National Minorities (CNM), namely Albanians, Armenians, Bulgarians, Croats, Czechs, Germans, Greeks, Hungarians, Italians, Jews, Lipovan Russians, Macedonians, Poles, Roma, Ruthenians, Serbs, Slovaks, Tatars, Turks, and Ukrainians.<sup>2</sup>

31. As before, only those groups who have been invited to participate in the work of the CNM benefit from the full range of measures undertaken to promote and protect the rights of persons belonging to national minorities. Membership in the CNM is dependent on successfully contesting one of the seats reserved for each national minority in the Parliament (see also Article 15).

32. Representatives of the Aromanian<sup>3</sup> community continue to ask for recognition as a national minority, i.e. the authorisation for an Aromanian umbrella association to contest in elections for a reserved seat and be represented in the CNM. The authorities stated in their comments to the Fourth Opinion that “measures have been taken by the Romanian authorities to place both Aromanians and Csángós<sup>4</sup> within the protection of the Framework Convention, although not conferring the status of national minority.” The authorities indeed allocate some limited resources to the promotion of Aromanian culture as “a part of Romanian cultural heritage”.<sup>5</sup> They, however, maintain their position that Aromanians do not belong to an ethnicity other than Romanian and that Aromanian is a dialect of Romanian.<sup>6</sup>

33. Representatives of Aromanians do not consider the support provided by the authorities sufficient to “preserve the essential elements of their identity, namely their language, traditions, cultural heritage and religion”. They express the strong wish to be recognised as a national minority as they believe that within the Romanian

system this is the only way to achieve the level of protection they require.<sup>7</sup>

34. The Advisory Committee reiterates that “official recognition as a national minority or the granting of a specific status, do not constitute the beginning of the process of minority rights protection, nor are they essential for the application of the Framework Convention or of specific articles of it. Recognition as a national minority has a declaratory rather than a constitutive character. Access to minority rights should therefore not depend on formal recognition.”<sup>8</sup>

35. In this vein, the Advisory Committee positively notes that the authorities continue to provide support to the promotion of Aromanian culture. It notes with concern, though, that Aromanians consider this support insufficient to preserve the essential elements of their identity. Not being a member of the CNM, Aromanians also lack possibilities to effectively participate in consultations with decision-making bodies.

36. The Advisory Committee encourages the authorities to intensify the dialogue with representatives of Aromanians on an Article-by-Article application of the Framework Convention, in particular in the fields of cultural rights and effective participation.

<sup>2</sup> Czechs and Slovaks being represented by one single organisation, the CNM has currently 19 member organisations. Between 2016 and 2020, the CNM had only 18 members as Tatars were not represented (see Article 15, and [Advisory Committee's Fourth Opinion on Romania](#), para. 139).

<sup>3</sup> Some Aromanians also self-identify as Armân.

<sup>4</sup> Different from the previous monitoring cycle, the Advisory Committee was not informed about a request by Csángós for their recognition as a national minority.

<sup>5</sup> According to information provided by representatives of Aromanians, the government supports optional courses on “Aromanian culture and civilisation” in Constanța.

<sup>6</sup> [Comments of the Government of Romania on the Fourth Opinion](#) of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Romania - received on 16 February 2018, pp. 9 and 12; [Fifth State Report on the implementation of the Framework Convention for the Protection of National Minorities by Romania](#), received on 8 November 2019, p. 16.

<sup>7</sup> Fara Armânescă dit România (Community of Armâns in Romania), Alternative Report submitted to the Advisory Committee on 15 June 2022.

<sup>8</sup> ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 28.

### Population census – the right to free self-identification (Article 3)

37. A population census was conducted between March and July 2022. It consisted of a self-enumeration phase through an online platform, followed by face-to-face interviews.<sup>9</sup> In the census questionnaire, respondents could indicate one ethnic affiliation, their “mother tongue”, and their religious affiliation.<sup>10</sup> Closed lists were used for all of them. The possible responses were determined by the respective “nomenclatures” listing ethnicities, languages, and religious denominations. Persons not identifying with any of the listed ethnicities could choose the field “other ethnic group”, which was meant to apply to Csángós, Gagauz as well as persons affiliating with nationalities of other states.<sup>11</sup> It was possible to choose “undeclared” for religious affiliation. No such choice existed for ethnicity and native language.

38. According to the nomenclature for ethnic groups, persons identifying themselves as Aromanians were counted as Romanians. In a similar way, persons identifying as Hutsuls were counted as Ukrainians.<sup>12</sup> In the question on “mother tongue”, Aromanian was listed as a dialect of the Romanian language.<sup>13</sup>

39. Representatives of some minorities criticised the fact that it was not possible to declare more than one ethnic affiliation. They regretted that persons born to parents affiliating with different ethnicities did not have the possibility to express this multiple affiliation in their census.

40. The Advisory Committee reiterates that the right to free self-identification contained in Article 3 of the Framework Convention is a cornerstone of minority rights. “Self-identification begins with the free decision of the individual which, if no justification exists to the contrary, is to be the basis of any personal identification.”<sup>14</sup> The Advisory Committee therefore regrets that the census questionnaire did not contain an open field, nor were groups such as Aromanians, Csángós or Hutsuls listed as possible replies to the question on ethnic affiliation. The Advisory Committee considers, furthermore, that replying to a question on ethnic affiliation should not be mandatory as certain respondents may neither wish to declare their ethnic affiliation nor want to be registered as “other”.

41. The Advisory Committee emphasises the importance of the possibility to declare multiple ethnic affiliations in the census, which is a way to reflect in a more realistic way the diversity of the population, including persons born to parents affiliating with different ethnicities.<sup>15</sup> Such an option also gives an opportunity to declare two affiliations for persons who might otherwise refrain from declaring their ethnicity by fear of stigma (see also below).

42. The Advisory Committee calls on the authorities to evaluate the methodology used for the 2022 census in an open and constructive dialogue with representatives of national minorities and of communities whose affiliation was not listed in the questionnaire, with a view to expanding possibilities for free self-identification and multiple affiliations in the next census and any future data collections.

<sup>9</sup> The [provisional results published in December 2022](#) provide the following figures: 1 002 151 Hungarians, 569 477 Roma, 45 835 Ukrainians, 22 907 Germans, 20 945 Turks, 19 394 Lipovan Russians, 18 156 Tatars, 12 026 Serbs, 10 232 Czechs, 5 975 Bulgarians, 4 842 Croats, 4 039 Italians, 2 378 Jews, 2 137 Poles, 2 086 Greeks, 1 576 Czechs, 1 213 Armenians, 1 089 Macedonians, 834 Ruthenians, and 645 Albanians.

<sup>10</sup> The questionnaire is available in English and 16 minority languages at [Instrumentar 2021 – Recensământul Populației și Locuitorilor \(recensamantromania.ro\)](#), translated upon the intervention by minority representatives.

<sup>11</sup> See National Institute for Statistics (2021), [Nomenclature of ethnic groups and mother tongues](#) and [Nomenclature of religions in Romania](#) (in Romanian). The former was developed by the Department for Interethnic Relations in collaboration with representatives of national minorities in the Romanian Parliament and the Institute for the Study of National Minority Issues. The latter was developed by the State Secretariat for Religious Affairs.

<sup>12</sup> On Csángós and Hutsuls, see Advisory Committee’s Fourth Opinion on Romania, adopted on 22 June 2017, para. 19.

<sup>13</sup> In the electronic form of the questionnaire, an explanatory text next to the question clarified that “Romanian” also includes “Aromân, Cyc, Istroromân, Macedoromân, Meglenoromân, Vlah”, “Hungarian” also “Maghiar, Secui”, “Roma” also “Argintar, Băieș, Bidinar, Boldean, Căldărar, Fierar, Gabor, Geambaș, Lăutar, Rudar, Spoitor, Ursar, Vătraș”, “German” also “Landler, Neamț, Sas, Șvab, Țițâr”, and “Ukrainian” also “Hahol, Huțul, Huțan, Cazac zaporojean”.

<sup>14</sup> ACFC [Thematic Commentary No. 4](#), paras. 9-10.

<sup>15</sup> See also [UNECE Conference of European Statisticians Recommendations for the 2020 Censuses of Population and Housing](#), para. 708.

### Population census – participation of persons belonging to national minorities (Article 3)

43. The government ordinance on the population and housing census<sup>16</sup> contains a number of provisions ensuring the participation of persons belonging to national minorities in the census process. According to representatives of national minorities, most of these changes were introduced at the request of the CNM.

44. The involvement of national minorities was co-ordinated by the Department for Interethnic Relations within the Romanian government, which conducted a broad range of awareness-raising activities with a view to promoting the participation of persons belonging to national minorities in the census, including activities targeted at minority youth. National minorities are represented in the “Communication and Transparency Council for the 2021 census” and were able to delegate observers to the central and local census commissions.

45. The census questionnaire was translated into the languages of national minorities and the Ordinance provides that enumerators in regions where a national minority exceeds 20% of the population should be provided with forms in the respective minority language. The methodological notes regarding the recruitment of census personnel include the recommendations that “In areas/communities with a population other than Romanian, knowledge of the language of that ethnic group and the specifics of that ethnic group is an advantage in carrying out its work in the field”.<sup>17</sup>

46. Representatives of national minorities expressed general satisfaction with the work of the Department for Interethnic Relations in raising awareness about the importance of participating in the census. They also appreciated the fact that the forms were available in minority languages, though some mentioned that these were available only on the online platform and not for face-to-face interviews. Most interlocutors were not aware of specific efforts at local level to recruit interviewers from national minorities, which was only a recommendation and not monitored at the central level. Some interlocutors also complained about a range of general technical problems with the census process, for example the fact that a high number of online

replies were nullified for technical reasons and replaced in the face-to-face interviews.

47. Representatives of most minorities expected that the census results would show a decrease in their respective minorities’ numerical sizes, due mainly to emigration and marriages with Romanians. The lack of a possibility to express more than one ethnic affiliation (see above) was seen by some as contributing to the shrinking numbers. Representatives of some minorities feared that their members may be hesitant to declare their ethnic identification. Such hesitation is expected to be most pronounced among Roma, who may fear stigmatisation, but was also mentioned by representatives of Bulgarians and Lipovan Russians.

48. Despite implementation problems on the ground, the Advisory Committee positively notes the proactive approach taken by the authorities and in particular the Department for Interethnic Relations in ensuring the involvement of minority representatives in the census process and raising awareness of its importance. The Advisory Committee emphasises, however, the importance for representatives of national minorities not only to be integrated into the preparation process of the census, but to form an integral part of the exercise. Persons belonging to national minorities should also be appropriately represented among the interviewers. This is especially important for minorities historically hesitant to self-identify for official purposes, such as Roma.

49. Given the importance of the 20% threshold for the enjoyment of many minority rights, representatives of many minorities are troubled about the expected decrease in numbers. This concern is exacerbated by the fact that in cases in which a minority falls below the 20% threshold, the newly adopted Administrative Code guarantees the maintenance of minority rights only until the validation of the next census (see Articles 10 and 11). Also, the amount of funding available for national minorities is calculated on the basis of the census results (see Article 5).

50. The Advisory Committee shares these concerns of minority representatives and reiterates that any numerical thresholds established as a precondition for enjoying certain minority rights must be interpreted flexibly. Otherwise, persons belonging to national

<sup>16</sup> See [Emergency Ordinance No. 19](#) of 4 February 2020 on the organisation and conduct of the population and housing census in Romania in 2021 to which amendments on national minorities were introduced through Law no. 178/2020 in August 2020.

<sup>17</sup> Written submission of the Romanian authorities, 29 June 2022.

minorities may feel pressured to declare affiliation with their minority in order to ensure that access to a specific right is maintained.<sup>18</sup>

51. Furthermore, the Advisory Committee has consistently held that census results cannot be considered as the only indicator of a minority's numerical size when implementing relevant policies and measures. They must therefore be complemented with regularly updated information that is collected through alternative means, such as independent surveys and research.<sup>19</sup> This is especially the case in a context such as that of Romania, where a number of rights are dependent on census-based thresholds.<sup>20</sup>

52. The Advisory Committee urges the authorities to exercise caution in applying numerical thresholds based on the results of the 2022 population census and to ensure these results are not the only indicator taken into account when defining preconditions for the exercise of minority rights.

#### Legal framework on protection of national minorities (Article 4)

53. Romania has a solid framework for the protection of minority rights, enshrined in the constitution and numerous legal acts and regulations. The request in particular by the Hungarian minority to transpose this into a consolidated law on national minorities has been discussed in successive legislatures since 2005.<sup>21</sup> Since 2012, the draft law has not been on the agenda of the Parliament.<sup>22</sup>

54. Representatives of the Hungarian minority maintain their request for a consolidated law and informed the Advisory Committee that they are in the process of revising the previous draft. According to them, such a law should not only bring together the existing rules in a single piece of legislation, but also extend the existing rights. They further stated that the law should contain a definition of the term national minority and guarantee collective minority rights in cultural and educational fields.

55. The authorities see neither an obligation for a consolidated law deriving from the Framework Convention nor the necessity for such a law. They further argue that minority rights are individual, not collective rights, and that the current model "addresses the right to cultural, linguistic, religious, ethnic identity of persons belonging to national minorities, and not to territorial autonomy on ethnic basis," benefits persons belonging to national minorities as well as Romanian society as a whole.<sup>23</sup>

56. Representatives of the Roma also found the current legal framework insufficient to fulfil the needs of their minority, particularly with respect to the effective protection from antigypsyism and segregation in education (see Articles 4 and 6), and regarding the promotion of Roma culture (see Article 5). Furthermore, they stated that regulating issues of importance to persons belonging to national minorities by law rather than governmental decisions would contribute to legal certainty. Representatives of other national minorities did not bring to the attention of the Advisory Committee the need for a consolidated law. Some indeed praised the current system as a positive model of minority protection.

57. The Advisory Committee reiterates that while the Framework Convention binds states parties from its entry into force within the domestic jurisdiction, its framework character nevertheless requires additional legal instruments at domestic level to make it fully operational.<sup>24</sup> However, states have a margin of appreciation as to whether this shall be achieved through one uniform law on national minorities or by regulating minority rights through sectorial legislation. The Advisory Committee emphasises in this context that the most important requirement is that the domestic legal framework guarantees legal certainty and effective access to rights to persons belonging to national minorities.

58. The Advisory Committee also reiterates that according to the Framework Convention, "minority rights are granted at the individual level to each person belonging to a national minority".<sup>25</sup> Article 3(2) of the Framework Convention further

<sup>18</sup> See [ACFC Thematic Commentary No. 4](#), para. 12.

<sup>19</sup> See [ACFC Thematic Commentary No. 4](#), para. 18.

<sup>20</sup> See also [Advisory Committee's Fourth Opinion on Romania](#), para. 25.

<sup>21</sup> Draft Law no. 502/2005.

<sup>22</sup> [Advisory Committee's Fourth Opinion on Romania](#), paras. 29-31.

<sup>23</sup> [Comments of the Government of Romania on the Fourth Opinion](#) of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Romania, 16 February 2018, para. 7. See also State Report, p. 11.

<sup>24</sup> ACFC [Thematic Commentary No. 4](#), para. 6.

<sup>25</sup> *Ibid.*, para. 2.

specifies that minority rights are “exercised individually and in community with others”. As explained by the Advisory Committee in its Thematic Commentary No. 4, “a number of rights only make sense if exercised in community with others, and the enjoyment of some rights presupposes the presence of or even formal association with others. Minority rights therefore have an individual, a social and a collective dimension.”<sup>26</sup> A collective dimension is entailed, for instance, in the rights to association or to manifestation of religion as well as in certain participation rights such as the system of reserved seats in the Romanian Parliament.

59. In the light of the above, the Advisory Committee considers that the current legal framework in Romania, despite deficiencies pointed out in this and earlier opinions, provides a relatively high level of protection for the 20 recognised minorities in all areas covered by the Framework Convention. The Advisory Committee nevertheless observes a number of flaws in the current framework, which need to be addressed. The pure fact that rules regarding national minorities are spread over a large number of legal acts and regulations might lead to inconsistency and lack of clarity. This may also be one of the reasons for inconsistent adjudication in certain areas such as display of topographical signage (see Article 11). There are also a number of substantial issues that could be improved through legal amendments such as the system of representation of recognised national minorities in Parliament and the Council of National Minorities (see Articles 3 and 15), the lack of central funding for the implementation of language rights by local authorities (see Article 10), or inequalities experienced by Roma in accessing rights (see Articles 4, 6, 12 and 15).

60. From a procedural perspective, some important rights are enshrined only at the level of regulations, such as the prohibition of segregation in schools (see Article 4). Core linguistic rights in administration and topographical signage are enshrined in the new Administrative Code, which was adopted in the form of an Emergency Ordinance rather than a law. (see Article 10).

61. A constructive way forward for the Romanian authorities could be to enter into a dialogue which representatives of national minorities to evaluate in a pragmatic way how the current legislative framework could be further improved so as to guarantee full and effective access to the minority rights set out in the Framework Convention, both individually and in community with others. Given the diverse characteristics of Romania’s 20 national minorities, the Advisory Committee considers that it is the authorities’ responsibility to engage in a meaningful dialogue with regard to the needs and expectations of all national minorities as well as to take into account the diversity of opinions within minorities.

62. The Advisory Committee encourages the authorities to enter into a dialogue with representatives of all national minorities about the benefits and drawbacks of the current sectorial legislation on national minorities and possible solutions that meet the specific needs of persons belonging to the different national minorities.

#### Anti-discrimination legal and institutional framework (Article 4)

63. Romania’s legal framework on anti-discrimination continues to be regulated by the Constitution and the Anti-discrimination Law of 2000.<sup>27</sup> The Civil Code contains provisions on damages sustained as a result of discrimination, and the Criminal Code regulates aggravating circumstances for a number of grounds, including race, nationality, ethnicity, language, and religion. The Anti-discrimination law defines and prohibits, next to direct and indirect discrimination, multiple discrimination, victimisation, and harassment, and provides for a shared burden of proof. It does not contain provisions on intersectional discrimination,<sup>28</sup> nor on segregation in education (see Discrimination against Roma in Education, below).<sup>29</sup> A law defining and criminalising

<sup>26</sup> Ibid., para. 2.

<sup>27</sup> Governmental Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination (the Anti-discrimination Law), 31 August 2000.

<sup>28</sup> On the distinction between multiple and intersectional discrimination, see the Council of Europe website “[Gender Matters. Intersectionality and Multiple Discrimination](#)”. The Advisory Committee takes note that the NCCD has produced jurisprudence on multiple discrimination since 2003.

<sup>29</sup> If not mentioned otherwise, the information in this section is based on: European network of legal experts in gender equality and non-discrimination (2022), [Country report Non-discrimination, Romania](#), pp. 7-16.

antigypsyism was adopted in 2021 (see Article 6).<sup>30</sup>

64. The Anti-discrimination Law provides for two systems of remedies in the cases of discrimination: the claimant can file a petition with the National Council on Combating Discrimination (NCCD) on the administrative track and/or lodge a civil complaint for damages. Both options are exempt from court fees. Discrimination-related complaints can be brought by any individual or legal person, including human rights NGOs and minority associations.

65. The NCCD is an independent body with a broad quasi-judicial and promotional mandate. It can initiate proceedings *ex officio* and issue administrative sanctions in the form of warnings or fines, which can be appealed against before administrative courts. Victims seeking compensation must lodge a complaint before a civil court. In the latter case, the NCCD is required to participate. The NCCD has two regional offices. Its steering board consists of 11 members, which usually include at least one member belonging to the Roma and the Hungarian minorities.

66. The number of cases brought to the NCCD has further increased during the monitoring period, from 652 in 2017 to 1 048 in 2021. As regards the protected grounds invoked, 75 of the cases filed in 2021 were on grounds of “nationality”, 98 on grounds of “beliefs” and 49 on grounds of “ethnicity”. The NCCD also undertook several *ex officio* investigations, including on the ground of “ethnicity”. In addition, the NCCD was called to participate in 3 019 court cases, more than twice the number of 2017. When the NCCD’s decisions are challenged before courts, about 80% of decisions are upheld.<sup>31</sup>

67. Representatives of national minorities and other interlocutors perceive the NCCD as being proactive, effective and increasingly visible, not least through a series of cases concerning high-

level politicians, including against the President of Romania.<sup>32</sup> However, the appointment procedure for its members has become subject to increased political instrumentalisation, which may be linked to the NCCD’s increased visibility. Following complaints from NGOs about the appointment procedure in 2015, the Constitutional Court finally revoked in July 2018 the mandate of one of the members as her appointment did not respect the requirement that a minimum of two thirds of board members must be lawyers. Seven new appointments were made in July 2020, again some of them being criticised as overly politicised. In July 2022, the number of steering board members was increased from nine to 11. Experts found that this decision is not likely to improve this situation.<sup>33</sup>

68. The resources provided to the NCCD have increased over the reporting period but are considered insufficient given its wide mandate and involvement in all court cases relating to discrimination.<sup>34</sup> According to representatives of the NCCD, they often do not manage to keep the timeline for investigations due to a lack of staff and the high number and complexity of cases. The limited resources make it, furthermore, difficult for the NCCD to deliver on the promotion side of its mandate, including the implementation of training, advising, awareness-raising and capacity-building activities.

69. The Advisory Committee emphasises that equality bodies should have both *de jure* and *de facto* independence and they should function without any interference from the State, political parties or other actors. Persons holding leading positions in equality bodies should be selected and appointed by transparent, competency-based and participatory procedures. Finally, they should be provided with sufficient staff and funds

<sup>30</sup> Law No. 2/2021 of 4 January 2021 “regarding certain measures for preventing and combating anti-Gypsyism”. The law defines antigypsyism as “the perception of Roma expressed as hatred against them and the verbal or physical manifestations, motivated by hatred against Roma, directed against Roma or their property, against institutions / NGOs, leaders of Roma communities or their places of worship, traditions and the Roma language.”

<sup>31</sup> European network of legal experts in gender equality and non-discrimination (2022), [Country report Non-discrimination, Romania](#), pp. 89-91.

<sup>32</sup> Romania Insider (20 May 2020), [Anti-discrimination agency fines Romanian president for reaction to draft law on Szeklerland autonomy](#). The fine imposed by the NCCD was upheld by the Court of Appeal but annulled by the [High Court of Cassation](#) on 18 November 2022.

<sup>33</sup> European network of legal experts in gender equality and non-discrimination (August 2022), [Flash Report Romania](#), Anti-discrimination Law amended to increase the membership of the Steering Board of the NCCD.

<sup>34</sup> According to information provided by the authorities in May 2022, the budgetary appropriations for the NCCD were 5.7 million Lei in 2018, 7.7 million Lei in 2019, 8.6 million Lei in 2020, and 9 million Lei in 2021. According to the [Country report Non-discrimination, Romania](#) (p. 85), its staff increased from 64 to 71 in the same period.

to implement all their functions and competences with a real impact.<sup>35</sup>

70. In this light, the Advisory Committee welcomes the increased visibility and the proactive approach of the NCCD and the fact that at least two of its members belong to national minorities. It is worried, however, that this increased visibility and influence may result in a further political instrumentalisation of the appointment procedure. The NCCD appears to be, to a certain extent, a victim of its own success, also in the sense that its staff struggles to keep up with the many functions and requests. Increased resources, as well as a full understanding by all political actors of the need for independence and impartiality is therefore necessary to keep this important institution fully functional.

71. While the NCCD performs the function of an Equality Body, Romania has two human rights institutions, namely the Ombudsperson (People's Advocate) and the National Institute for Human Rights (NIHR). Both have submitted applications for accreditation with the European Network of Human Rights Institutions, which are pending.<sup>36</sup> The NIHR's mandate is limited to promotion, research and documentation.<sup>37</sup>

72. The People's Advocate is a constitutional body tasked with protecting the rights and freedoms of individuals in their relations with public authorities. It can handle individual requests and act *ex officio*, but not issue sanctions. The People's Advocate has 14 regional offices, some 144 staff and a budget of approximately 25 million Lei (€5.1 million).<sup>38</sup> One of the People's Advocate's deputies belongs to the Hungarian minority. The office receives only few requests from persons belonging to national minorities, who reportedly prefer complaints to the NCCD or lawsuits, with a possibility for sanctions. The People's Advocate has, however, initiated a number of cases regarding minority rights *ex officio*, such as regarding the provision of social and medical services in minority languages (see Article 10), the need to prove language skills for admission to higher education (see Article 14) and the housing situation of Roma (see Article 15). The Advisory Committee welcomes that the People's Advocate is sufficiently resourced, has regional offices and has undertaken several *ex officio* reports relating to minority rights.

73. The Advisory Committee calls on the authorities to create the conditions necessary for the National Council on Combating Discrimination to fulfil its mandate effectively. They should ensure office-holders are independent and the institution is sufficiently resourced.

<sup>35</sup> See European Commission against Racism and Intolerance (2017), ECRI General Policy Recommendation No. 2: Equality bodies to combat racism and intolerance at national level, paras. 22, 23 and 28.

<sup>36</sup> See ENNHRI country website on Romania, available at <https://ennhri.org/rule-of-law-report/romania/>.

<sup>37</sup> See the mandate of NIHR at <https://irido.ro/english/mandatul.php>.

<sup>38</sup> According to information provided by the authorities in May 2022, the budgetary appropriations for the People's Advocate increased from 18.1 million Lei in 2018 to 24.9 million Lei in 2022.

#### Discrimination against Roma in education (Article 4)

74. According to the “Strategy of the Romanian Government on inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027”, the practical implementation of the anti-discrimination legal framework described above is insufficient. Discrimination in education (see also Article 12) is prohibited under Article 11 of the Anti-discrimination Law, as well as in the National Education Law.<sup>39</sup> Even though segregation in education is not explicitly mentioned in either of these laws, the NCCD has established a body of case law on segregation based on the prohibition of discrimination, including cases of placing Roma children in different schools, in separate classes or buildings within schools, or transfer of Roma children in classes or schools for children with special needs. It has issued several decisions imposing fines on schools and ordering the school inspectorate to desegregate the schools.<sup>40</sup>

75. The government’s policy on de-segregation in education is based on orders issued by the Ministry of Education in 2007 and 2016, as well as the order for approving the methodology for monitoring school segregation in pre-university education published in 2019.<sup>41</sup> The latter was produced by the National Commission for Desegregation and Inclusive Education, which was established in early 2019, and contains a desegregation framework based on five criteria of segregation (ethnicity, disability, family’s socio-economic status, students’ school results and area of residence) monitored by the county school inspectorates.

76. Representatives of Roma, NGOs and the NCCD find the current framework based on ministerial orders ineffective. The Member of Parliament representing the Roma minority therefore introduced a proposal to amend the Anti-discrimination Law and the Law on

Education with a view to explicitly prohibiting segregation in education. The draft includes the possibility of sanctions and budgetary appropriations to the Ministry of Education and the NCCD for desegregation measures.<sup>42</sup>

77. So far, no official information on segregated schools based on the newly introduced monitoring system is available. Several types of segregation exist in Romania: Intra-school segregation where Roma children learn in separate classes, and various forms of inter-school segregation. The latter can happen deliberately or be a consequence of the fact that Roma children attend the school in their (often remote) neighbourhood whereas majority children gradually move out of the neighbourhood to other schools.<sup>43</sup> According to a survey published in 2021, more than half of Roma children attend schools where most or all other children are Roma.<sup>44</sup> Pending the application of the methodology for monitoring school segregation developed in 2019, the Association Advocacy and Human Rights Centre (CADO) published in 2022 a comprehensive study of school segregation based on the indicators used in that methodology in selected regions. It found that approximately two thirds of the monitored schools having at least 3% Roma children practised segregation at class level, i.e. disproportionately allocate Roma children to certain classes. About one third of the schools having responded to the survey disproportionately allocated Roma children to different school buildings.<sup>45</sup>

78. In their exchanges with the Advisory Committee, Roma representatives explained that the main problem for them is not the separation as such, but the fact that education provided in schools or classes with a high proportion of Roma children tends to be of lower quality.

79. The Advisory Committee reiterates that segregated education of socially or economically

<sup>39</sup> Law 1/2011 on National Education.

<sup>40</sup> European Network of Legal Experts in Gender Equality and Non-Discrimination (2018), [Country Report Non-Discrimination](#), pp. 47-48 and 67-68.

<sup>41</sup> Ministry of National Education and Scientific Research, Order No. 1540/2007 on banning school segregation of Roma children and on approving the methodology on preventing and eliminating school segregation of Roma children; Order No. 6158/2016 on adopting the action plan on school desegregation; Framework Order No. 6134/2016 for prohibiting school segregation in primary and secondary education; Order 5633/2019 for approving the methodology to monitor school segregation in pre-university education.

<sup>42</sup> Legislative proposal “for supplementing the Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination and the national Education Law no. 1/2011”. See also European Roma Rights Centre (8 July 2022), [Romania: Bill banning school segregation to go before parliament](#).

<sup>43</sup> Roma Civil Monitor (2019), [Civil society monitoring report on implementation of the national Roma integration strategy in Romania](#). Identifying blind spots in Roma inclusion policy, p. 23-26.

<sup>44</sup> EU Agency for Fundamental Rights (FRA) (2021), [Roma in 10 European countries. Main results](#), pp. 39-40.

<sup>45</sup> Association Advocacy and Human Rights Centre (CADO) (2022), Report on school segregation in Romania.



marginalised children, often of lower standard than that offered to other students, is one of the most extreme examples of the precarious position of Roma parents and pupils.<sup>46</sup> The Advisory Committee emphasises that this discriminatory practice violates children's right to equal access to quality education, leads to reduced opportunities in adulthood, and perpetuates stigma and exclusion.<sup>47</sup> The Advisory Committee strongly regrets the fact that this practice continues to exist and is still not explicitly addressed in law.

80. The Advisory Committee urges the authorities to take all necessary measures to combat segregation and other forms of discrimination of Roma in education.

### Protection and promotion of national minority cultures (Article 5)

81. The authorities continue to allocate substantial and stable financial support for the activities of the national minorities represented in the Council of National Minorities. The total funds increased considerably during the monitoring period.<sup>48</sup> The funding covers the costs of 19 umbrella associations for cultural and community centres, staff, publications, media production, and any activities to promote "ethnic, linguistic and cultural identity".<sup>49</sup>

82. In addition, the Department for Interethnic Relations publishes an annual call open to all non-governmental organisations working in the area of national minorities and intercultural dialogue. The selection criteria for these projects place an emphasis on promoting intercultural dialogue and public awareness of the cultures of national minorities and combating intolerance towards national minorities. The approximately 50 beneficiaries per year include a wide range of NGOs, including those working on youth, intercultural dialogue, media or contemporary arts.<sup>50</sup>

83. During the monitoring period, the Parliament enacted laws on establishing four further anniversary days celebrating minority languages,

namely for the Macedonian, Ukrainian, Greek and Romani languages, bringing the total number of such days to 10.<sup>51</sup>

84. Representatives of the umbrella associations of national minorities expressed satisfaction with the support they receive, which covers between 80% and 90% of their expenses. Despite these efforts, many cultural activities were halted during the pandemic. Some associations reported difficulties in mobilising their members after a long period of inactivity, particularly in music or dancing activities that could not be organised online. While these umbrella associations benefit from quasi-institutional funding, smaller cultural initiatives running independently from the 19 umbrella associations depend on the annual project grants. They reportedly suffered most during the Covid-19 pandemic, as the financing for their staff costs is conditional on the organisation of activities.

85. The Advisory Committee emphasises that public support for minority cultural activities not only contributes to the preservation of national minority cultures, but also raises awareness of these cultures among the majority population and thus contributes to accepting minorities as an integral part of diverse societies. While it is often the main cultural associations which receive funds, the Advisory Committee considers that all national minority representatives, including those not formally linked with such associations or those representing different views, interests and expectations within a minority, should be consulted and provided with effective opportunities to obtain funding.<sup>52</sup> In this light, the Advisory Committee welcomes that the Romanian authorities not only provide solid institutional funding to the 19 umbrella associations, but also – though at a smaller scale – project grants to other NGOs promoting national minority cultures and intercultural dialogue. This practice is worth being continued and if possible expanded.

86. In Timișoară, the Advisory Committee was informed that the city's Cultural Strategy 2014-2024 takes an explicitly intercultural approach,

<sup>46</sup> [ACFC Thematic commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, p. 21.

<sup>47</sup> See Council of Europe Commissioner for Human Rights (2017), [Fighting school segregation in Europe through inclusive education](#), pp. 5, 8 and 13. For a definition of segregation, see [ECRI General Policy Recommendation N°7 \(revised\) on national legislation to combat racism and racial discrimination](#), adopted on 13 December 2002 and revised on 7 December 2017, Explanatory Report, para. 16.

<sup>48</sup> From 130 million Lei (approx. €27 million) in 2019 to 200 million Lei (approx. €41 million) in 2022.

<sup>49</sup> Information provided by the authorities in May 2022, pp. 13-15. The association representing the Tatar minority did not receive funding between 2016 and 2020 as it did not contest in the 2016 parliamentary elections (see Advisory Committee's Fourth Opinion, para. 139 and Article 15).

<sup>50</sup> *Ibid.*

<sup>51</sup> [State Report](#), p. 9.

<sup>52</sup> See [ACFC Thematic Commentary No. 4](#), para. 67.

which was also the basis for winning the title of European Capital of Culture for 2021 (postponed to 2023 due to the pandemic). National minority representatives participated in the elaboration of the programme, which includes a component on Romani culture. The city's approach to promoting individual minority cultures while emphasising intercultural dialogue is also reflected in its plans for a multicultural centre supposed to host a museum of ethnic minorities, as well as the "Institut Français", the German Cultural Centre and spaces for intercultural exchange. The Advisory Committee welcomes these initiatives and considers the city's Cultural Strategy and its implementation a good practice.

to initiatives fostering knowledge about national minorities and intercultural dialogue.

87. Representatives of Roma stressed that Roma would still be viewed in the society mainly as a 'vulnerable group' rather than a national minority with its own cultural heritage, language and contemporary culture. According to the 2022-2027 Roma Inclusion Strategy, the community lacks cultural institutions, such as cultural centres, publishing houses, libraries or theatres, which reinforces the "low ethnic self-esteem caused by internalised social stigma, as well as forced assimilation processes".<sup>53</sup> Roma representatives therefore advocate for more investments in Romani culture, such as the establishment of a "National Museum of Roma History and Culture" in Bucharest. A feasibility study for setting-up such a museum is included in the "National Strategy for preventing and combating anti-Semitism, xenophobia, radicalisation and hate speech".

88. Given the focus on socio-economic challenges in the public discourse related to Roma, the Advisory Committee considers it important that positive images of Roma traditions and customs as part of Romania's diverse society are portrayed to the public and that their specific status as a minority with distinct cultural heritage is not ignored. It therefore welcomes the initiative to establish a museum on Roma history and culture.

89. The Advisory Committee strongly encourages the authorities to provide all necessary support to the initiative of establishing a museum on Roma history and culture and closely involve representatives of the Roma community in taking any decisions in this context.

90. The Advisory Committee encourages the authorities to continue providing support to the protection and promotion of minority cultures and

<sup>53</sup> Strategy of the Romanian government on inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027, pp. 17-18.

## Restitution of property (Article 5)

91. Several laws adopted during the monitoring period are aimed at facilitating the process of restitution of property confiscated between 1940 and 1989 from religious communities, national minorities and individual citizens. As regards communal property, Law 111/2017 introduces longer deadlines for providing supplementary documentation to restitution claims submitted to the Special Restitution Commission and the possibility of prioritising applications by religious or national minority communities.<sup>54</sup>

92. As regards restitution cases submitted by national minorities, the authorities informed the Advisory Committee that the Special Restitution Commission has made progress. As of May 2022, there were 359 files pending for the Jewish minority, 18 for the Greek minority, two for the Hungarian minority, and one each for the Bulgarian and Polish minorities. Regarding religious communities, there are still 1 562 applications pending for the Greek Catholic Church, 390 for the Federation of Jewish Communities, 285 for the (German) Evangelical Church, 275 for the Roman Catholic Church, 244 for the Reformed Church, and two for the (Hungarian) Evangelical-Lutheran Church.<sup>55</sup>

93. However, a high share of 'resolved' cases constitutes rejected claims, which claimants subsequently challenged in courts. In 2020, for instance, the Special Restitution Commission approved restitution in 26 cases and compensation in 57 cases relating to religious communities, while rejecting 500 other claims. In the same year, religious communities appealed 62 decisions of the Special Restitution Commission in courts.<sup>56</sup> Information on court decisions in restitution cases has not been made available to the Advisory Committee.

94. According to some representatives of national minorities, the pace of restitution was still too slow and overly bureaucratic. They also reported that property is sometimes restituted only partially, without ancillary buildings or land necessary to economically sustain a given religious building, for example. Many buildings are also in a poor condition and more support by the authorities would be needed for restoring them.

95. Representatives of the Hungarian minority complained that they were unable to recover the Batthyaneum Library in Alba Iulia and that dozens of other requests for restitution of church buildings to the Roman Catholic, Reformed, and Evangelical-Lutheran churches were rejected.<sup>57</sup>

96. Representatives of the German minority also reported that many rejected restitution claims by the Roman Catholic and (German) Evangelical Church are still pending in courts. Furthermore, the National *Brukenthal* Museum, which was returned to the Evangelical Church in Sibiu in 2005, has since been jointly administered by the Ministry of Culture and the parish of Sibiu on the basis of an agreement guaranteeing parity in decision-making. In the course of 2022, this agreement was to be replaced by a government resolution. For the German minority it is important to maintain parity in managing the museum, as agreed in 2005.

97. The Advisory Committee wishes to emphasise that religious buildings and cemeteries as well as buildings of cultural relevance such as libraries, schools or theatres form an integral part of national minority identities, traditions and cultures and are therefore subject to the protection of Article 5 of the Framework Convention. While welcoming the possibility to prioritise such restitution requests and the progress made by the Special Restitution Commission, the Advisory Committee regrets that a large number of cases are still pending in courts and considers it important that restitution decisions are taken more speedily.

98. Regarding individual claims, Law 103/2016 treats applications submitted by victims of the Holocaust as a matter of priority, nullifies acts of forced 'donations' of Jewish property, lowers the burden of proof for previous owners or their heirs to obtain restitution, and regulates the recognition of continuity of legal entities whose property had been confiscated. Further laws simplify the application procedure for Holocaust survivors, including those living outside Romania, and provide that compensation to them is paid immediately in full rather than in several tranches over a period of five years as for other claimants.<sup>58</sup>

99. The Advisory Committee is concerned that insufficient measures have been undertaken to speed up the processing of pending individual

<sup>54</sup> State Report, [Annex 4](#).

<sup>55</sup> Written information provided by the authorities in July 2022, Annexes 9 and 10.

<sup>56</sup> United States Department of State, Office of International Religious Freedom (2021), International Religious Freedom Report January – December 2020.

<sup>57</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations on the implementation of the Framework Convention for the Protection of National Minorities in Romania 2018-2022, pp. 20-21.

<sup>58</sup> United States Department of State, Office of International Religious Freedom (2021), International Religious Freedom Report January – December 2020.

restitution cases. It welcomes the legislation facilitating restitution or compensation for victims of the Holocaust, but finds that the introduction of priority treatment of their claims and easier submission of applications by persons living abroad comes late given the advanced age of Holocaust survivors.

100. The Advisory Committee strongly encourages the authorities to increase their efforts to solve requests for restitution of property to religious communities and national minorities.

### Intercultural dialogue and mutual respect (Article 6)

101. The Romanian authorities and in particular the Department for Interethnic Relations have undertaken a broad variety of initiatives to foster intercultural understanding and respect during the monitoring period. As described also in Article 5, many of the activities supported through the Department's annual grant scheme take an intercultural approach and promote interaction and mutual awareness between different national minorities and between national minorities and the majority. Annually, an amount of approx. 4 million Lei (€900 000) was spent on these activities. They included projects in the framework of the "Danube Platform of Intercultural Dialogue", the campaign "M2018" highlighting the contribution of persons belonging to national minorities to the development of Romania at the occasion of Romania's Centenary in 2018, and the "Diversity Cup" aimed at combating racism and discrimination in sports.<sup>59</sup>

102. In 2021, the government approved the "National Strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech 2021-2023" and an accompanying action plan.<sup>60</sup> The strategy aims to improve data collection, evaluate existing legislation and educational programmes and propose improvements. Further objectives are to ensure security of vulnerable groups, to develop cultural pilot programmes to combat the spread of antisemitism, xenophobia, radicalisation and hate speech, and to strengthen Romania's involvement in international efforts to combat

these phenomena. Its implementation is coordinated by an inter-ministerial committee and a national co-ordinator, who has the position of a Secretary of State.

103. Following the Russian Federation's aggression against Ukraine, some 1.5 million refugees have entered Romania and approximately 85 000 were present in the country in October 2022.<sup>61</sup> During exchanges with members of the Ukrainian minority in Satu Mare, the Advisory Committee learned about the large support given by the community to arriving refugees. Minority representatives praised the excellent co-operation with the authorities, particularly the local and regional authorities, in providing humanitarian aid and including children in the school system.

104. As far as interethnic understanding in Romania is concerned, a study published by the Elie Wiesel Institute in 2021 concluded that most respondents perceived national minorities neither as a "problem" nor as an "advantage" for the country. More than one third of respondents said that the Hungarian, German and Jewish minorities make a positive contribution or are a valuable resource for the country. However, regarding the Roma minority, only 18% of respondents had this positive attitude and 29% considered them "a problem to our country". The most accepted minorities are Germans and Hungarians, while Roma are on the other end of the acceptance spectrum.<sup>62</sup>

105. Representatives of the Roma minority echoed these findings and reported a high level of antigypsyism in all spheres of society. These include everyday settings such as schools or shops, interactions with public officials and particularly the police, as well as negative rhetoric in the media and most importantly on social media platforms.<sup>63</sup> Antigypsyist attitudes came particularly to the forefront during the Covid-19 pandemic, when Roma were used as scapegoats for allegedly spreading the virus. Media and politicians participated in spreading such disinformation and sowing fear and hatred vis-à-vis Roma. As a consequence of this rhetoric by established media and public figures, anti-Roma

<sup>59</sup> [State Report](#), pp. 26-35.

<sup>60</sup> The next Strategy is planned to cover the period 2023-27. After that, seven-year strategies will be adopted to be aligned with the EU Multiannual financial framework.

<sup>61</sup> UNHCR Romania, Ukraine Refugee Situation Update, [12 July 2022](#) and [14 October 2022](#).

<sup>62</sup> INSHR-AW (2021), [Percepția relațiilor interetnice și Holocaustul din România](#) (Perceptions of interethnic relations and the Holocaust in Romania).

<sup>63</sup> See for example RFE/RL (16 April 2020), [Depiction of Roma as crows exposes deeper racism within Romania](#).

posts were abundant on social media platforms.<sup>64</sup> A survey on discrimination in schools found that there are very high rates of intolerance vis-à-vis Roma among parents and, at lower rates, among teachers.<sup>65</sup> Amidst the generally welcoming atmosphere towards refugees from Ukraine in 2022 (see above), there were reports of instances of hostility and prejudice against Roma refugees from Ukraine.<sup>66</sup>

106. As regards the Jewish minority, the above-quoted study by the Elie Wiesel Institute found that the vast majority of respondents consider that the Jewish minority is important for Romania and would not mind having Jews as their neighbours. However, the study also found elements of antisemitic prejudice such as high shares of respondents believing that Jews are only pursuing their own interests or that they should be excluded from certain professions. While most respondents were familiar with the Holocaust, they were not interested in the topic and knowledge about the Holocaust decreased with the level of education and among those of lower age (see also Article 12 – Intercultural Education).<sup>67</sup>

107. The Advisory Committee reiterates that the “promotion of tolerance and openness towards diversity in society is essential not only for the development and implementation of successful integration strategies, but it is also a central precondition for persons belonging to national minorities to self-identify as such without hesitation and proactively claim the rights contained in the Framework Convention”.<sup>68</sup>

108. In this light, the Advisory Committee strongly welcomes the above-mentioned programmes to promote interethnic dialogue and the adoption of the “National Strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech 2021-2023” and in particular the envisaged measures to combat antisemitism and antigypsyism. Given the measures on the latter, the Advisory Committee would have welcomed ‘antigypsyism’ to appear also in the title of this strategy. Proper

implementation of the suggested measures and sustainability over a longer period will be key to its success. Despite this, the Advisory Committee is concerned about the high level of antigypsyism in Romanian society, which came to the fore even more prominently during the Covid-19 pandemic. It is essential that concrete measures involving, among others, the media and the education system be taken as antigypsyism has a direct negative impact on the access to rights of persons belonging to the Roma minority. The Advisory Committee furthermore deplores the use of antigypsyist stereotypes by high level politicians. It reiterates that the impact of such statements in the public debate is critical, given their particular influence as public figures and the immediate amplification of their actions and speeches in the media.

109. Attitudes towards the Hungarian minority were analysed in depth in a study conducted by the Bálványos Institute in 2020. It found that the vast majority (between 87% and 93%) did not perceive a distance between Hungarians and Romanians on an individual level and accept Hungarians as neighbours, colleagues or family members. There is less support for minority rights, however, with only about half of respondents supporting the fact that Hungarians can follow education in their first language and about one quarter supporting separate Hungarian-language schools and the use of Hungarian in contact with public authorities. Almost one third of respondents said they are bothered when people speak Hungarian around and two thirds shared the view that “a lot of Hungarians avoid speaking Romanian, even though they can speak it”. While the study found that Hungarian minority issues are not in the centre of attention of Romanian media, it identified a high number of anti-Hungarian comments on social media and in the comments section of online media around certain political events.<sup>69</sup>

110. During the monitoring period, a number of events indeed sparked intense political debate on Hungarian minority issues. Some of these events

<sup>64</sup> Margareta Matache and Jacqueline Bhabha (2020), [Anti-Roma Racism is Spiraling during COVID-19 Pandemic](#), in: Health Human Rights, 22(1), pp. 379–382.

<sup>65</sup> National Council for Combating Discrimination and Institute for Public Policies (2021), [Sondaj Percepții și atitudini privind discriminarea în școli](#) (Survey on perceptions and attitudes regarding discrimination in schools).

<sup>66</sup> CNN (7 August 2022), [‘You are not a refugee.’ Roma refugees fleeing war in Ukraine say they are suffering discrimination and prejudice](#).

<sup>67</sup> INSHR-AW (2021), [Percepția relațiilor interetnice și Holocaustul din România](#) (Perceptions of interethnic relations and the Holocaust in Romania).

<sup>68</sup> ACFC [Thematic Commentary No. 4](#), para. 53.

<sup>69</sup> “Anti-Hungarian sentiments in the Romanian population, the mainstream media, and the Romanian political elite”, Submission by the Bálványos Institute to the Advisory Committee, July 2022.

were linked to differing interpretations of history, such as the centennial of Romania's Great Union in 2018,<sup>70</sup> the commemoration of dead soldiers at the Uz Valley Cemetery in 2019,<sup>71</sup> or the centennial of the Treaty of Trianon in 2020.<sup>72</sup> Others revolved around the use of the *Székely* flag,<sup>73</sup> certain symbols on the coats of arms in Covasna, Harghita and Mureş counties,<sup>74</sup> or the use of the *Székely* anthem by the Romanian national hockey team in a match with Hungary in 2022.<sup>75</sup> Finally, tensions stirred up in 2020 around draft legislation in the Romanian Parliament on granting administrative autonomy to the so-called *Székely land* and making the Hungarian language an official language in public institutions, alongside Romanian, which led to harsh reactions by the President of Romania.<sup>76</sup>

111. The Advisory Committee observes that these political debates engender tensions on both sides and often have a bilateral dimension with neighbouring Hungary. Politicians tend to use strong symbolic messages as part of 'memory politics' perpetuating simplified narratives.

112. During the respective centenaries in 2018 and 2020, it became apparent that persons belonging to the Romanian majority and those belonging to the Hungarian minority tend to have contrasting narratives related to the events of 1918 to 1920, which implicitly underly many of these debates. At the same time, the above-quoted surveys demonstrate low levels of inter-ethnic distance between Romanians and Hungarians among the population overall. In the view of the Advisory Committee, this fact could provide a fruitful basis for an open and respectful debate about the respective historical perspectives and grievances and for finding practical solutions to present-day needs and concerns of persons belonging to the Hungarian minority. Various options, for instance projects on multiple perspectives on history, could be explored to stimulate such a debate. In the spirit of Article 6 of the Framework Convention,

genuine integration of society is a two-way process encompassing all segments of society, majorities and minorities alike.<sup>77</sup>

113. The Advisory Committee calls on the authorities to adopt in a timely manner a comprehensive, cross-sectoral set of measures to combat antigypsyism, in close consultation with representatives of the Roma minority.

114. The Advisory Committee calls on the authorities to identify additional ways to further promote intercultural dialogue and mutual respect based on the general understanding that integration of society is a two-way process encompassing majorities and minorities alike.

### Protection from hate crime and hate speech (Article 6)

115. The prohibition of hate crime is regulated in Article 77(h) of Romania's Criminal Code of 2014, which refers, inter alia, to "race, nationality, ethnicity, language, religion" as aggravating circumstances for all offences under the Criminal Code. The Code also prohibits abuse with a discriminatory intent in the exercise of an official function (Article 297(2)). Hate speech reaching the criminal threshold is covered by Article 369 of the Criminal Code, prohibiting incitement to violence, hatred or discrimination. Following an amendment in force since 2022, Article 369 was broadened to explicitly cover "incitement of the public, by any means, to violence, hatred or discrimination against a category of persons or against a person on the grounds that he/she belongs to a certain category of persons defined on the basis of race, nationality, ethnicity, language, religion [...]."<sup>78</sup> This protection is supplemented by the Anti-discrimination law, which empowers the NCCD to sanction "any incitement to racial or national hatred" (Article 15) as administrative misdemeanours, unless classified as offences under criminal law.

<sup>70</sup> Alexandra Liebich (2019), [Remembering minorities amid eastern Europe's nation-state centenary celebrations](#).

<sup>71</sup> Balkan Insight (7 June 2019), [Hungary, Romania trade words over Transylvanian cemetery dispute](#).

<sup>72</sup> Balkan Insight (4 June 2020), [Trianon treaty stirs mixed emotions across Central Europe](#).

<sup>73</sup> See *Tórkés v. Romania*, nos. [15976/16 and 50461/17](#), judgement of 27 April 2021 and Law 141/2015

<sup>74</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations on the implementation of the Framework Convention for the Protection of National Minorities in Romania 2018-2022, pp. 10-12.

<sup>75</sup> Romania Journal (10 May 2020), [Coalition scandal over Szekler anthem at hockey match](#).

<sup>76</sup> Romania Insider (29 April 2020), [Romania's Senate rejects draft bill for Szeklerland autonomy passed without debate by Chamber of Deputies](#).

<sup>77</sup> ACFC [Thematic Commentary No. 4](#), para. 54. See also the OSCE High Commissioner on National Minorities (2012), *The Ljubljana Guidelines on Integration of Diverse Societies*, p. 3.

<sup>78</sup> Law No. 170/2022 amending Article 369 of the Criminal Code. The previous version of Article 369 referred only to "incitement [...] to hatred or discrimination against a category of persons", without listing any grounds.

116. Responding to a number of judgements of the European Court of Human Rights regarding insufficient investigations of hate crimes,<sup>79</sup> the General Prosecutor's Office developed and adopted in October 2020 a methodology to provide guidance and instructions for investigating hate crime.<sup>80</sup> In 2021, a Hate Crime Investigations Bureau was established within the Criminal Investigations Directorate.<sup>81</sup> Starting from 2021, one police officer for each county is now in charge of the criminal investigation of hate crime. The authorities informed the Advisory Committee that only a very small number of such cases are dropped during the prosecution stage. They also report on a number of training sessions conducted with police officers and magistrates conducted in co-operation with the NCCD or the Council of Europe.<sup>82</sup>

117. Some steps have been undertaken to set up a system for collecting hate crime data. As an intermediate solution until a new integrated system is operational, the Prosecutor's Office started in 2018 to collect data on alleged hate crime disaggregated by the discrimination grounds listed in Article 77(h) of the Criminal Code. The General Inspectorate of the Romanian Police is also preparing a system of recording hate crimes, which is expected to be operational in the course of 2022. Pending the availability of official data, interlocutors informed the Advisory Committee that the numbers of criminal convictions are still very low.

118. Representatives of the Roma minority criticise that discriminatory graffiti, online posts or other forms of hate speech against Roma are very rarely prosecuted. The new law defining and criminalising antigypsyism, which was adopted in 2021, is intended to address the perceived impunity for hate speech with an anti-Roma bias.<sup>83</sup> Some Roma representatives believe that the law has a rather symbolic value. So far, the Advisory Committee has not been informed of any cases of application of the new law by the judiciary or law enforcement authorities.

Representatives of Hungarians have the impression that prosecutors and judges are more prone to consider statements directed against Romanians as hate speech than when statements are directed against the Hungarian minority.<sup>84</sup>

119. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. The Advisory Committee underlines the especially damaging nature of attacks against persons that are based on their inalienable characteristics or profoundly held beliefs. States have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated. Law enforcement and criminal justice authorities need to collect disaggregated data on such cases and make these publicly available.<sup>85</sup>

120. The Advisory Committee broadly welcomes the legislative steps taken to increase the protection from hate speech in law, to strengthen the capacity for investigating hate crime, as well as steps undertaken to come to a more systematic collection of relevant data. It is, however, concerned that significant flaws remain in the practical application of the existing laws and in particular the procedural response to victims' allegations on hate crime and hate speech, undermining effective investigation and prosecution as well as the trust of potential victims in institutions and redress mechanisms.

121. The Advisory Committee urges the authorities to ensure the effective investigation, prosecution and sanctioning of hate crime and hate speech and ensure the systematic collection of relevant data.

<sup>79</sup> See Advisory Committee's Fourth Opinion on Romania, para. 71 and, *inter alia*, the judgement of the European Court of Human Rights in the case of *A.Ö. and H.Ö. v. Romania*, [no. 1455/20](#), 3 May 2022.

<sup>80</sup> Committee of Ministers of the Council of Europe, 1419th meeting, 30 November – 2 December 2021 (DH), Human rights, *M.C. and A.C. v. Romania*, no. 12060/12, Supervision of the execution of the European Court's judgments, [CM/Notes/1419/H46-27](#).

<sup>81</sup> Information provided by the authorities in May 2022, p. 17.

<sup>82</sup> *Ibid.* pp. 17-19.

<sup>83</sup> Law 2/2021 of 4 January 2021 regarding certain measures for preventing and combating anti-Gypsyism.

<sup>84</sup> For instance, the prosecution has dismissed a case against Romanians accused of inciting hate speech by chanting "Hungarians out of the country" amid ethnic clashes at the Uz Valley Cemetery in 2019. See RFE/RL (4 August 2020), [Romanian prosecutor dismisses anti-Hungarian hate speech case](#).

<sup>85</sup> See also [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.

## Law enforcement authorities and human rights (Article 6)

122. The authorities have undertaken some steps to address racial discrimination and misconduct such as excessive use of force by law enforcement authorities, including capacity building and the appointment of specialised prosecutors to conduct criminal investigations.<sup>86</sup>

123. During the monitoring period, the European Court of Human Rights delivered a further judgment condemning Romania for cases of police violence and the failure of the authorities to effectively investigate inhuman and degrading treatment by police, including racially motivated ill-treatment.<sup>87</sup> In its judgement of 2019 in the case of *Lingurar v. Romania*, the Court found a violation of Article 3 of the Convention as concerned the excessive use of force against the applicant Roma family during a police raid and two violations of Article 14 (prohibition of discrimination) in conjunction with Article 3 of the Convention because the raid had been racially motivated, and the related investigation had been ineffective.

124. According to observers, however, no significant improvement has taken place in the investigation of police violence against Roma. If cases are investigated at all, they are usually closed quickly for lack of evidence. To date, racial profiling is not defined and prohibited by law and the procedures to investigate alleged cases of racial discrimination and misconduct by the police are not sufficiently independent and effective.<sup>88</sup> Interlocutors of the Advisory Committee found that the trainings provided to police and prosecution staff, mainly with support of international donors, do not form a systematic

approach and have only a minimum effect on ordinary police on the ground.

125. Civil society activists have been recording cases of police misconduct and in particular excessive use of force, including lethal force, against Roma during the entire reporting period.<sup>89</sup> The outbreak of the Covid-19 pandemic in early 2020 triggered a further surge in such cases. When high-level government officials publicly referred to the need for stronger policing of communities “known for criminal activities”, they appear to have contributed to fostering stereotypes and a sense of impunity among the police.<sup>90</sup> Subsequently, activists recorded a number of incidents where law enforcement officials reacted in disproportionate ways to alleged violations of Covid-19 protection measures such as breaking quarantine rules or failure to wear masks. Reactions included the excessive use of force, use of tear gas indoors, including against women and children, use of racist slurs, preventing NGOs from distributing humanitarian aid, and inhuman and degrading treatment of detained persons, including minors.<sup>91</sup> No information is available to what extent investigations into the above-mentioned cases were carried out and, if so, whether these resulted in any sanctions.

126. The Advisory Committee reaffirms its view that police misconduct vis-à-vis persons belonging to national minorities is not only clearly in breach of the human rights of the victims but also feeds distrust of persons belonging to minorities towards the police, whose task is to protect them against violence. Persons belonging to minorities who lack confidence in the police due to racial profiling practices or excessive use of force will be reluctant to turn to the latter in cases where they have been victims of racist or

<sup>86</sup> Committee of Ministers of the Council of Europe (9 June 2021), Supervision of the Execution of Judgements, *Lingurar and others v. Romania*, CM/Del/Dec(2021)1406/H46-22.

<sup>87</sup> See *Lingurar and others v. Romania*, application nos. 5886/15, 48474/14, 16 April 2019.

<sup>88</sup> European Commission against Racism and Intolerance (2019), [ECRI Fifth Report on Romania](#), paras. 59-60. See also European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (14 April 2022), Report to the Romanian Government on the ad hoc visit to Romania, 10-21 May 2021, [CPT/Inf \(2022\) 07](#), para. 14.

<sup>89</sup> See for instance the following reports by the European Roma Rights Centre: [Antigypsyism: We need to talk about policing](#) (18 September 2018); [A 20-year old Romani man has been shot by a police officer in Romania](#) (14 October 2020); [Policing Roma: Man beaten and bloodied in Romanian police station and fined for abusive behaviour](#) (21 June 2022).

<sup>90</sup> In April 2020, the Minister of the Interior announced the deployment of 1 500 police and gendarmes in areas where “violent episodes” had happened, stating that “the additional resource will be directed in the areas with heightened risk of criminality, communities with people who have recently returned [from abroad], and are known for criminal activities.” In response to allegations of police brutality in Roma neighbourhoods, a high official of the Ministry of the Interior told reporters that “violence must be met with violence”. Quoted in: [European Roma Rights Centre \(May 2022\), Brutal and bigoted: policing Roma in the EU](#), p. 62.

<sup>91</sup> See European Roma Rights Centre (May 2022), [Brutal and bigoted: policing Roma in the EU](#), pp. 62-63 and European Roma Rights Centre (September 2020), Roma rights in times of Covid, pp. 35-39.



any other offences, meaning that such crimes may go unpunished.

127. Against this background, the Advisory Committee strongly regrets that since the last monitoring cycle no substantial progress has been made in ensuring professional and non-biased behaviour by law enforcement officials vis-à-vis persons belonging to the Roma community. The Advisory Committee deplores stereotyping statements by government officials during the Covid-19 pandemic, which are likely to have further reinforced racial bias on the side of the police. Finally, the Advisory Committee finds it very problematic, also given the judgements of the European Court of Human Rights to this effect, that the authorities have so far failed to implement the necessary general measures to prevent such cases from happening in the future.

128. The Advisory Committee urges the authorities to effectively investigate and sanction cases of police misconduct and in particular excessive use of force vis-à-vis Roma. For this purpose, the authorities should strengthen the effectiveness of oversight mechanisms and address racial bias among law enforcement officials through systematic initial and in-service training.

#### Media in minority languages (Article 9)

129. Romanian public television continues to broadcast a wide range of programmes for or about national minorities. The national channel “Romanian Television” has three dedicated departments for programming in Hungarian language, in German language, and in the languages of other minorities. All programmes are subtitled in Romanian and, as reported by the authorities, are also followed by persons belonging to the majority population.<sup>92</sup>

130. Broadcasting times remained at about the same level and include approximately six hours per week in Hungarian and two hours in German. Four hours and 20 minutes per week, on average, are reserved for various programmes dedicated to the 18 other national minorities and minority issues in general. These include the programmes with content on varying national minorities, as

well as dedicated programmes for and about Roma, Greeks, and the Jewish community.<sup>93</sup>

131. During the Covid-19 pandemic, the minority newsrooms provided health-relevant information in all minority languages, streamed church services by minority religious communities, and co-operated with the Ministry of Education on providing schooling lessons in minority languages (see Article 14). According to the authorities, the importance of their role in providing reliable information is confirmed by the increased number of followers on their respective websites and social media pages. Finally, since March 2022, a special programme in Ukrainian language dedicated to refugees from Ukraine is aired daily.<sup>94</sup>

132. The national public “Radio România” continues to broadcast two weekly programmes each in Hungarian and German. The regional studios of “Radio România” have also maintained and to some extent increased their broadcasting hours.<sup>95</sup> Radio Cluj and Radio Târgu Mureş broadcast almost exclusively in Hungarian language. Radio Constanţa, Radio Reşiţa, and Radio Timișoară cover together 15 minority languages, with programmes ranging between 30 and 60 minutes per week.<sup>96</sup> In addition, several local studios such as Radio Craiova or Radia Iași have programmes focused on intercultural dialogue.<sup>97</sup>

133. Representatives of national minorities expressed overall satisfaction with the supply of public broadcasting. However, representatives of Hungarians criticised the fact that the Hungarian-language programme on the first channel (TVR 1) is broadcast in the afternoon rather than during prime-time in the evening. Another concern mentioned by representatives of some national minorities was that programmes in minority languages have several times been interrupted for “breaking news”, taking away airtime that is usually not recovered. Minority newsrooms covering many counties such as TVR Cluj could also benefit from increased funding and targeted training for journalists speaking minority languages, representatives reported. Representatives of the Hungarian minority also

<sup>92</sup> Information provided by the authorities in May 2022, pp. 19-34.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid, pp. 34-36.

<sup>95</sup> The German programme by Radio Târgu Mureş has doubled from 6 to 12 hours and the length of the programme for the Roma community has also increased.

<sup>96</sup> Radio broadcasting is available in Armenian, Bulgarian, Croatian, Czech, German, Greek, Hungarian, Italian, Romani, Russian, Serbian, Slovak, Tatar, Turkish, Ukrainian. Radio Constanţa also has a 60 minute broadcast in Aromanian.

<sup>97</sup> Information provided by the authorities in May 2022, pp. 36-39.

criticised that not sufficient ongoing training for journalists is available.<sup>98</sup> The regional channels are also not included in all cable distributors, which limits their outreach within Romania. Finally, some representatives of the Hungarian minority regretted a lack of pluralism of opinions in the private Hungarian media space and the fact that many private Hungarian-language media are owned by businesses situated in Hungary and indirectly funded by the Hungarian government.<sup>99</sup> In 2022, major cuts in that funding resulted in closures and mergers of Hungarian-language magazines, newspapers and a TV station.<sup>100</sup>

134. The Advisory Committee reiterates that “the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication.”<sup>101</sup>

135. Against this background, the Advisory Committee welcomes the maintenance of a broad media offer in minority languages in both public TV and radio. However, additional investment in the minority newsrooms and media outlets is necessary, also to reduce dependence of minority language media on support by third countries and to ensure a pluralistic and inclusive media space. In addition, it is important to provide a systematic offer of continuous training for journalists, including those working in the Hungarian language.

136. The Advisory Committee encourages the authorities to continue providing sustainable funding to public broadcasting in minority languages, to increase their efforts to promote pluralism and diversity in the media landscape, and to ensure a systematic offer of continuous training for journalists.

### Use of minority languages in contact with authorities – legal developments (Article 10)

137. In 2019, Romania adopted a new Administrative Code, which regulates the use of national minority languages in administrative-territorial units where the number of persons belonging to a national minority exceeds 20%.<sup>102</sup> With its entry into force, Law no. 215/2001 on Local public administration was repealed. Most of the regulations on the use of national minority languages in contact with the administration were transferred into the code.

138. However, there are two noteworthy exceptions. Firstly, the new Administrative Code explicitly provides that administrative territorial units where the share of persons belonging to a given national minority is below the threshold of 20% may still decide to ensure the use of national minority languages. No such provision was contained in earlier legislation.<sup>103</sup> Secondly, the Administrative Code no longer contains a provision stipulating maintenance of the status quo should the share of a given minority population fall below the threshold of 20% in a successive census. The transitional provisions of the 2001 Law on public administration stated that the provisions on the use of national minority languages “shall also apply if, for various reasons, after the entry into force of this Act, the proportion of citizens belonging to a national minority falls below the percentage [of 20%]”. The 2019 Administrative Code replicates that sentence with the addition of the clause “until the date of validation of the results of the next census.”<sup>104</sup>

139. The new Administrative Code also fails to regulate a number of issues necessary for the correct implementation of the respective rights, notably the budgetary responsibilities between the central and local levels for providing services in minority languages.

140. The Advisory Committee reiterates that “numerical thresholds must not constitute an undue obstacle to the official use of certain minority languages in areas inhabited by persons belonging to national minorities either traditionally or in substantial numbers. [...] Where thresholds exist, they must not be applied rigidly and

<sup>98</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations in the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 23.

<sup>99</sup> See for example Emerging Europe (8 July 2019), [New report reveals Hungary’s creeping influence on Transylvania media market](#).

<sup>100</sup> Balkan Insight (7 November 2022), [Hungarian media in Romania slash staff amid financial woes](#).

<sup>101</sup> ACFC [Thematic Commentary No. 4](#), para. 69.

<sup>102</sup> Government Emergency Ordinance no. 57/2019 on the Administrative Code, published on 5 July 2019.

<sup>103</sup> Article 94(2).

<sup>104</sup> The respective transitional provision are contained in Article 131 of Law no. 215/2001 on Local Public Administration and Article 604(1) of the Emergency Ordinance no. [57/2019](#) on the Administrative Code.

flexibility and caution should be exercised.”<sup>105</sup> It has therefore always encouraged states “to give careful consideration to the setting up of thresholds for determining the areas inhabited by persons belonging to national minorities in substantial numbers and welcomes measures taken by the authorities to lower any such thresholds as appropriate.”<sup>106</sup>

141. In this light, the Advisory Committee remains of the view that a rigid application of the 20% threshold is causing problems in a number of towns and cities where this threshold is not met, although persons belonging to national minorities inhabit them “in substantial numbers”, as stipulated in Article 10(2) of the Framework Convention.<sup>107</sup> Having consistently recommended a flexible and context-specific approach with respect to thresholds to ensure effective access to minority rights (see also Article 3), the Advisory Committee welcomes the alternative numerical threshold of 5 000 residents introduced for the field of health care (see below) and considers this a good practice which might fit well into the general legislation on language use with public authorities.

142. Moreover, the Advisory Committee regrets that the new Administrative Code constitutes a missed opportunity to clarify and extend the conditions under which minority languages can be used. What is more, the removal of the explicit obligation to maintain those rights once the census results fall below 20% constitutes a clear regression. The situation is particularly worrisome considering the expectation among minority representatives that the census results will show a decrease in their respective numerical sizes. The possibility to voluntarily grant language rights also when the threshold is not met is not an adequate replacement for the stipulation to maintain the status quo.

143. The Advisory Committee urges the authorities to ensure the possibility of using minority languages with public authorities in all areas inhabited by persons belonging to national minorities either traditionally or in substantial numbers. To this end, the authorities are recommended to consider the introduction of an alternative numerical threshold in the form of an absolute number.

#### Implementation of minority language rights in contact with authorities (Article 10)

144. Article 195(5) of the Administrative Code stipulates that, when the 20% threshold is met in a municipality or region, public authorities should employ personnel speaking the language of minorities in positions dealing with the public.<sup>108</sup> The authorities keep records of state employees speaking minority languages in prefectures, decentralised public services on agriculture, finance, social protection etc., and the territorial structures of the General Inspectorate for Emergency Situations, the Gendarmerie, the National Archives, and the Police including Border Police.<sup>109</sup>

145. Representatives of national minorities confirmed that persons speaking minority languages are available in many decentralised and local administrations to provide – usually oral – replies if needed. However, the situation is different when it comes to written communication, which only seems to be practiced to a certain extent in local administrations in areas where

<sup>105</sup> [ACFC Thematic Commentary No. 3](#), The language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2012, para. 57.

<sup>106</sup> *Ibid.*, para. 57.

<sup>107</sup> See Advisory Committee’s Fourth Opinion, para. 93 and [ACFC Thematic Commentary No. 3](#), para. 57.

<sup>108</sup> Taken over from the identical provision in Article 131 in the repealed Law on public administration No. 215/2001.

<sup>109</sup> [State Report](#), pp. 36-43. From the 634 employees of the territorial structures of the Police Inspectorate who speak minority languages, 347 identify as Hungarian and 199 as Roma.

persons belonging to a given minority, usually Hungarians, are in the majority. Representatives of the Hungarian minority also reported that state institutions such as prefectures and county school inspectorates often refuse to use languages other than Romanian.<sup>110</sup>

146. While the authorities' monitoring of the situation in the decentralised public services is an important step, it is difficult to assess if the availability of minority language speakers meets the demands, both in quantitative and qualitative terms. Also, no data is available on minority languages speakers employed by local administrations. To properly evaluate the implementation of the law, it would be necessary to evaluate the needs, set targets and then recruit persons speaking minority languages where required. However, the Advisory Committee has not been informed of such targeted recruitment taking place. On the contrary, courts repeatedly considered discriminatory the requirement to speak Hungarian (at an intermediate level) in the job description of general secretaries of mayors' offices in Hungarian majority municipalities. According to the Advisory Committee's interlocutors, these decisions discourage public employers from targeted recruitment of minority language speakers.<sup>111</sup> Another obstacle to the implementation of the law is the fact that the costs for the provision of services in minority languages have to be borne by local authorities themselves.

147. One of the problematic issues raised in particular by persons belonging to the Hungarian minority, is that administrative forms are still not available in minority languages. Following a recommendation on this matter in the Advisory Committee's Fourth Opinion, a provision on the establishment of such forms has been integrated into the Administrative Code.<sup>112</sup> However, the list of forms prepared by the Department for Interethnic Relations has still not been approved by the government.<sup>113</sup>

148. During the Covid-19 pandemic, self-declarations needed for leaving the home during lockdown could not be drawn up in minority languages even where the 20% threshold was met. This has been found to be discriminatory by the National Council for Combating Discrimination.<sup>114</sup> Representatives of Hungarians criticised that the government's information and regulations regarding the pandemic were often translated into minority languages with delay or not at all.<sup>115</sup>

149. Amendments to legislation on health care and social assistance introduced in 2017 provide that health care units in localities where 20% of the population or at least 5 000 residents belong to a national minority should have medical and social assistance personnel speaking the respective minority language.<sup>116</sup> An *ex officio* report by the People's Advocate, however, found little awareness of this legislation among local authorities. The necessary secondary legislation and methodology are missing and virtually no active recruitment of minority language speakers is taking place. According to the report, there is a particular lack of health and social assistance staff speaking Romani language. The People's Advocate recommended, as a first step, the collection of disaggregated information on employees speaking minority languages, which is currently underway. The Ombudsperson's recommendation to the Ministry of Health to elaborate the necessary methodological norms regulating the use of minority languages in the provision of health care services has not been implemented so far.<sup>117</sup>

150. The Advisory Committee reiterates that it encourages "maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities at local level. [...] Authorities should support and actively encourage such measures by creating an

<sup>110</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations in the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 2.

<sup>111</sup> Bálványos Institute (April 2021), Shadow report on the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 56. See also Advisory Committee's Fourth Opinion, para. 94. A notable exception is the city of Timișoară, which did publish vacancy notices requiring the knowledge of English and at least one minority language.

<sup>112</sup> Article 195(4).

<sup>113</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations in the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 26.

<sup>114</sup> Decision 732/2020. I

<sup>115</sup> Democratic Alliance of Hungarians in Romania (June 2022), Observations in the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 17.

<sup>116</sup> Law no. 110/2017 "for the completion of Law no. 95/2006 on health care reform as well as art. 41 of Law no. 292/2011 on social assistance".

<sup>117</sup> Submission by the People's Advocate to the Advisory Committee, June 2022.

environment that is conducive to the use of minority languages, including through the allocation of necessary financial and human resources.<sup>118</sup> With respect to the targeted recruitment of minority language speakers, the Advisory Committee reiterates that Article 4.2 of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require States Parties to adopt special measures that take into account the specific conditions of the persons concerned.

151. Against this background, the Advisory Committee deeply regrets the fact that the language rights for persons belonging to minorities in areas passing the 20% threshold are still not consistently implemented.<sup>119</sup> While it welcomes the authorities' efforts to keep track of minority language speakers in the public administration, the Advisory Committee considers that this is by far not sufficient to ensure a proper monitoring of the situation.

152. The lack of legal clarity as to the targeted recruitment of minority language speakers for employment in the public service prevents the effective implementation of the law. Insufficient budgetary support for translations and interpretation constitutes an additional obstacle. Finally, the Advisory Committee strongly criticises the fact that the list of bilingual forms, which is a precondition for the use of minority languages in writing, has still not been approved, even though this is a legal requirement.

153. The Advisory Committee urges the authorities to implement the existing legislation on minority language use in contacts with public authorities and health care authorities through approving the list of bilingual forms, explicitly allowing the targeted recruitment of minority language speakers, and financially supporting local and regional authorities in covering the costs for the provision of services in minority languages.

### Topographical indications (Article 11)

154. In line with Emergency Ordinance 57/2019 on the Administrative Code, the right to display bilingual signs and indications of place names continues to be conditioned on the number of persons belonging to a given national minority constituting no less than 20% of all residents of the municipality. There is still no requirement to display street names in a bilingual format. It is not clear whether the new provision allowing the use of national minority languages also when the 20% threshold is not met (see Article 10) applies also to the display of bilingual signs and place names.

155. The practical application of the regulations in place and the adjudication on this matter is heterogenous. Some counties or municipalities go beyond the legal requirements, using bi- or multilingual indications and place names despite the fact that no minority reaches the threshold (e.g. Timiș or Arad counties). Beyond the legal requirements, in some municipalities where Hungarians are in the majority, such as in Harghita County, street signs are bilingual or at least indicate the word "street" in both languages.<sup>120</sup> The majority of municipalities where the threshold is met, for instance Oradea or Satu Mare, fulfil the requirements of the law in using bilingual indications of public buildings and places, whereas street names are only in Romanian. In some municipalities, such as Țigandru in Mureș County, bilingual signs have been removed when the Hungarian minority fell below 20% in the 2011 census and have not been restored despite the Advisory Committee's recommendation to apply flexibility.<sup>121</sup>

156. Defacing of bilingual signs does occur, particularly regarding the Hungarian language. While the perpetrators have usually been identified and face criminal charges for destruction of property, representatives of the Hungarian minority criticised that the hate motive is usually not invoked as an aggravating factor.<sup>122</sup>

157. The Advisory Committee reiterates that "Article 11.3 of the Framework Convention requires that the display of signs in minority languages be given a clear and unambiguous legislative basis" and that "bilingualism in signposts should be promoted as it conveys the message that a given territory is shared in

<sup>118</sup> [ACFC Thematic Commentary No. 3](#), para. 58.

<sup>119</sup> See also Advisory Committee's Fourth Opinion, paras. 90 and 95.

<sup>120</sup> Information provided by the authorities in May 2022, pp. 40-41.

<sup>121</sup> Advisory Committee's Fourth Opinion on Romania, paras. 100 and 103. Information provided by the authorities in May 2022, p. 41.

<sup>122</sup> Transylvania Now (6 January 2020), [Hungarian inscriptions on road signs defaced](#). Democratic Alliance of Hungarians in Romania (June 2022), Observations in the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 4.

harmony by various population groups.”<sup>123</sup> Furthermore, since Article 11.3 of the Framework Convention refers to areas which have been “traditionally inhabited” by substantial numbers of persons belonging to a national minority, the demographic structure of the area in question should be considered over a certain period in order to ensure that any effects of assimilation tendencies, urbanisation and emigration do not hinder access to minority rights.<sup>124</sup>

158. Against this background, the Advisory Committee regrets that the adoption of a new Administrative Code has not been used as an occasion to clarify the legal situation, which has for many years been a source of inconsistent adjudication. On the contrary, new uncertainty has been added regarding the consequences of the 2022 population census, which constitutes a further source of frustration for persons belonging to national minorities. Finally, the new Administrative Code could also have been an opportunity to extend the right to install bilingual signage explicitly also to street names.

159. The Advisory Committee urges the authorities to exercise caution and flexibility in applying the 20% threshold with a view to not limiting the scope of existing rights regarding topographical signage in minority languages.

160. The Advisory Committee reiterates its call on the authorities to enter into a dialogue with representatives of minorities with a view to addressing shortcomings in the implementation of the rights to topographical signage in minority languages and to take a flexible approach over the introduction of signs displaying street names in minority languages.

### Intercultural education and knowledge about national minorities (Article 12)

161. In 2017 Romania introduced a new compulsory subject “Social Education” for lower secondary schools (grades 5-8). In this

framework, 6th graders (12-13 years) are taught for one year the subject “Intercultural Education”. Guidelines for teacher training were developed in co-operation with NGOs and are adapted for both majority classes as well as for minority or mixed classes.<sup>125</sup> In the context of the same 2017 curriculum reform, the topics “The Roma – from slavery to emancipation” and “The Holocaust in Romania - case study” were included in the history curriculum for the 8th grade.<sup>126</sup> The new quality assurance framework for pre-university education, which entered into force in September 2021, includes explicit references to cultural diversity, minorities, inclusion and discrimination.

162. In 2021, a law was adopted making “The history of the Jewish people and the Holocaust” a mandatory subject in all high and vocational schools in Romania from 2023. The curriculum, educational materials and methodologies are being elaborated by the Ministry of Education in collaboration with the Elie Wiesel Institute.<sup>127</sup> The “National Strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech 2021-2023” contains a large number of projects fostering education about the Holocaust, including about Roma victims of the Holocaust. One of the Strategy’s specific objects is the evaluation of school, university, post-graduate and vocational training programmes relevant to preventing and combating antisemitism, xenophobia, radicalisation and hate speech, with a view to increasing their effectiveness and co-ordination between the programmes.

163. While some minority representatives expressed satisfaction with the status quo, representatives of several national minorities found that topics related to national minorities were not sufficiently included in curricula and educational materials.

164. Representatives of the Jewish community and researchers deplore that awareness among the population of Romania’s role during the

<sup>123</sup> [ACFC Thematic Commentary No. 3](#), para. 67.

<sup>124</sup> *Ibid.*, para. 66.

<sup>125</sup> The curriculum of the mandatory subject “Social Education” is based on the Council of Europe’s [Reference Framework of Competences for Democratic Culture](#) and also contains the subjects “Critical thinking and rights of the child” (5th grade) and “Education for democratic citizenship” (7th grade). See EU Joint Research Centre, INNO4DIV Project (2022), Addressing educational needs of teachers in the EU for inclusive education in a context of diversity, Vol. 3, Part 2, Overview of 21 innovative cases for the development of intercultural and democratic competences in teacher education, pp. 26-27 and 56-57.

<sup>126</sup> Council of Europe (2020), [The Representation of Roma in European Curricula and Textbooks](#), joint report commissioned by the Council of Europe to the Georg Eckert Institute for International Textbook Research in partnership with the Roma Education Fund, p. 13.

<sup>127</sup> Law [276/2021](#). See also Balkan Insight (18 November 2021), [Romania makes Jewish history, holocaust mandatory school subject](#).

Holocaust and in particular the deportation of Jews to Transnistria and the Iași pogrom continues to be low.<sup>128</sup> An analysis of the presentation of the Holocaust in history textbooks found many shortcomings and omissions of important historical events.<sup>129</sup>

165. As regards Roma, the 2022-2027 Roma Inclusion Strategy notes the lack of knowledge in society of “the historical facts that have led to generational trauma, human tragedies and social stigma”, notably of Roma who suffered the Holocaust, slavery, and the policy of forced assimilation during the Communist regime.<sup>130</sup> A Council of Europe study on the representation of Roma history and culture in European curricula and textbooks found that Roma are referred to in a variety of contexts in Romanian geography, history and civics textbooks. These include information on history, culture, demographics, and contemporary issues. However, the report also found some examples of stereotypical visualisations and references to backwardness.<sup>131</sup>

166. A report of the Hungarian minority found that references to Hungarians in literature and civic education textbooks are scarce. According to the report, history textbooks more frequently refer to Hungarians, albeit often with a negative connotation. Finally, the visual representation of the demographic situation of Hungarians in geography textbooks would let the minority appear numerically smaller than it actually is.<sup>132</sup>

167. The Advisory Committee reiterates that “school education should offer a fair reflection of the linguistic and cultural diversity of society and thereby promote the values of tolerance, intercultural dialogue and mutual respect”.<sup>133</sup> This serves not only to promote intercultural understanding and respect among all students,

but also to raise the prestige and self-awareness of persons belonging to numerically smaller or disadvantaged groups.

168. In this light, the Advisory Committee welcomes the introduction of the subject “Intercultural Education” and more explicit case studies on Roma and the Holocaust in the framework of the 2017 curriculum reform. It further welcomes the introduction of the subject “The history of the Jewish people and the Holocaust”, particularly in the light of continuously low levels of awareness of this issue among the population. It is important to evaluate the effect of these reforms on young people’s awareness in co-operation with minority representatives.

169. The Advisory Committee, furthermore, notes positively the references to the two largest minorities, Roma and Hungarians, in a wide range of educational materials. However, it also observed that representatives of these minorities feel that the information is insufficient and at times biased. Effective participation of the minorities concerned in developing curricula and educational materials, as well as in the monitoring of educational policies is therefore of crucial importance.<sup>134</sup> As teaching about Roma is concerned, the Advisory Committee draws attention to the Council of Europe’s recommendation on the inclusion of the history of Roma in school curricula and teaching materials.<sup>135</sup> Stressing the importance of multi-perspective approach to history teaching, the Advisory Committee refers to the work of the Council of Europe.<sup>136</sup>

170. The Advisory Committee calls on the authorities to review educational materials in close co-operation with minority representatives so as to increase awareness of issues of

<sup>128</sup> RFE/RL (17 May 2021), [Anti-Semitic incidents put focus on Romania's dark role during Holocaust](#).

<sup>129</sup> A. Bărbulescu (2018), “Ethnocentric Mindscapes and Mnemonic Myopia,” in A. Florian, ed., *Holocaust Public Memory in Postcommunist Romania*, Indiana University Press, pp. 3–40.

<sup>130</sup> Strategy of the Romanian Government on inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027, p. 18.

<sup>131</sup> Council of Europe (2020), [The Representation of Roma in European Curricula and Textbooks](#), joint report commissioned by the Council of Europe to the Georg Eckert Institute for International Textbook Research in partnership with the Roma Education Fund, pp. 13-19.

<sup>132</sup> Bálványos Institute (April 2021), Shadow report on the implementation of the Framework Convention for the Protection of National Minorities in Romania, pp. 39-45.

<sup>133</sup> [ACFC Thematic Commentary No. 3](#), para. 82. See also OSCE High Commissioner on National Minorities (2012), *The Ljubljana Guidelines on Integration of Diverse Societies*, Guideline 45.

<sup>134</sup> [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 162.

<sup>135</sup> See [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020.

<sup>136</sup> See also the work of the [Council of Europe’s Observatory on History Teaching](#) and resources available at [www.coe.int/en/web/history-teaching](http://www.coe.int/en/web/history-teaching).

importance to national minorities, including about the Jewish and Roma victims of the Holocaust, and to address potential bias contained in such materials.

### Access of Roma to education (Article 12)

171. The authorities continue to make efforts to ensure better access of Roma children to education. These include the improvement of infrastructure for early childhood education, the employment of some 450 school mediators, outreach to Roma parents to ensure enrolment, free hot meals in schools, and 'second chance' programmes for youth or adults who have not completed their compulsory education. Furthermore, there are bilingual preschool programmes (Romani/Hungarian and Romani/Romanian) and teaching in and of the Romani language is available.<sup>137</sup> Currently, a draft law is pending to lower the educational requirements for school mediators to 12 years of schooling instead of baccalaureate to make the profession more accessible. The bill also foresees the establishment of specialised inspectors on Roma issues in each county education inspectorate.

172. The 2022-2027 Roma Inclusion Strategy states that major discrepancies between Roma and majority children continue to exist in terms of school participation, performance, and early school leaving, as well as regarding differential treatment in terms of teaching quality and segregation (see Article 4).<sup>138</sup> In a long-time perspective, educational attainment of the Roma population improved drastically over the last generation: around 60% of young Roma have completed at least lower secondary education, twice as much as the older generation. However, a large gap between Roma and non-Roma population persists. Roma's early school leaving rate is five times the national average and has increased with the closure of schools during the pandemic. A key obstacle to educational success later in life is the low participation of Roma children in early childhood education. The share of Roma children participating in kindergarten and preschool (ages 4-6) is less than half of that of the general population (38% vs. 90%).<sup>139</sup> Just 22% of Roma aged 20-24 have completed upper

secondary education, which is only slightly more than in 2016 and remains significantly below the national average of 83%. Moreover, girls are still more likely than boys to drop out from school early.<sup>140</sup> Roma representatives also reported that many Roma children are not enrolled in school at all and thus do not appear in the official statistics on dropouts.

173. During the visit, the Advisory Committee was informed by Roma NGOs that the Covid-19 pandemic was a serious setback for Roma children's access to education. As early as April 2020, the Ministry of Education had issued an instruction on pre-university education through online learning, obliging parents to take all necessary steps to ensure the participation of students in distance learning. However, this instruction did not address the practical challenges parents and children in marginalised Roma neighbourhoods faced.<sup>141</sup> Long school closures and transfer to online education constituted immense obstacles for many Roma children and their parents, some of whom did not only lack the necessary electronic devices but even access to stable electricity or a quiet space for children to work concentratedly. Roma school mediators played an important role in maintaining relations between schools and Roma families. Overall, Roma representatives voiced concern about the increased education gap and said it will take some time to catch up what was lost within those two years.

174. The Advisory Committee acknowledges the efforts made by the authorities to close the education gap between Roma and the majority population. It regrets, however, that efforts were insufficient during the Covid-19 pandemic. This can be interpreted as an indicator that there are still many 'blind spots' concerning the specific needs of persons belonging to the Roma community when it comes to public policy making. Given the complexity of the task at hand, it considers it paramount to regularly evaluate the effects of public policies in this area and adjust them, if necessary, in close consultation with representatives of the national minorities concerned.

175. The Advisory Committee urges the authorities to undertake additional efforts to

<sup>137</sup> Additional information provided by the authorities, Annex 1.

<sup>138</sup> Strategy of the Romanian government on inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027, p. 14.

<sup>139</sup> OECD (2022), [Economic Survey Romania](#), pp. 125-126.

<sup>140</sup> EU Agency for Fundamental Rights (FRA) (2021), [Roma in 10 European countries. Main results, pp. 38 and 67.](#)

<sup>141</sup> European Union Agency for Fundamental Rights (2020), Bulletin No. 5, [Coronavirus pandemic in the EU – Impact on Roma and Travellers](#), p. 14.



address educational inequalities between Roma and non-Roma children relating to pre-school education, early dropouts and attainment levels, and the effects of the Covid-19 pandemic, taking a gender-sensitive approach.

#### Education in and of minority languages (Article 14)

176. The Romanian system of education in and of minority languages as set out in Law 1/2011 on National Education has remained largely unchanged.<sup>142</sup> Education in the minority language as a medium of instruction is available for Bulgarian, Croatian, Czech, German, Hungarian, Italian, Romani, Russian, Serbian, Slovak, Turkish and Ukrainian. In such classes, all subjects - with the exception of Romanian language and literature - are taught in the respective minority languages. Some of these languages are additionally taught as a subject in Romanian-language education. Instruction in most of these languages is available at all levels of school education, for some (e.g. Turkish) it exists only at primary and lower secondary levels.

177. Armenian, Greek, and Polish are only taught as subjects. Albanian, Macedonian, Ruthenian, Tatar and Yiddish are not taught in schools but in weekend classes, usually organised by the respective umbrella associations with the support of the authorities.<sup>143</sup>

178. A 2020 amendment to the Law on National Education lowered the thresholds for opening classes from 12 to 10 for primary schools and from 15 to 10 for secondary schools.<sup>144</sup> In addition, ministerial order of 2021 clarified the conditions for the exceptional approval of minority language classes when the minimum numbers are not met. For primary school, the ministerial order allows the opening of a class for as few as five children.<sup>145</sup> A total of 119 classes of different levels have received such an exceptional approval in the 2021/22 school year.<sup>146</sup>

179. Representatives of most national minorities expressed general satisfaction with the system. For many languages, with the exception of Hungarian, there is, however, a lack of teachers. This applies in particular for those teaching specific subjects in a minority language. The problem is particularly acute for the German

minority as German-language schools are attended also by many Romanian pupils and German-speaking graduates find better paid jobs in the private sector. Some minority associations pay top-ups on teachers' salaries to make the profession more attractive.

180. Representatives of some numerically smaller national minorities, notably Serbs and Slovaks, reported a lack of textbooks as the small print runs are not attractive for publishers. Progress was made regarding textbooks in Ukrainian, which are now available for grades 1-4 and are in preparation for grades 5-7.

<sup>142</sup> [Law 1/2011](#).

<sup>143</sup> Third and fourth periodical report on the implementation of the European Charter for Regional or Minority Languages by Romania, submitted on 16 June 2022, pp. 37-39.

<sup>144</sup> Law [185/2020](#), Article 1. See also Advisory Committee's Fourth Opinion on Romania, para. 120.

<sup>145</sup> Order no. 5511 of the Minister of Education of 28 October 2021, Article 7(4). Article 63 of Law [1/2011](#) on National Education sets the threshold for opening a class in preschool education at five, for primary and secondary education at 10, and for high and vocational schools at 15 pupils.

<sup>146</sup> Information provided by the authorities, May 2022.

181. The Advisory Committee commends the Romanian authorities on maintaining an education system that provides the possibility to receive education in 12 different minority languages and learn three additional minority languages as a subject. It also welcomes the general lowering of thresholds for opening classes and the fact that the possibility to grant exceptional approval for even smaller classes when minority languages are concerned is widely used.

182. The Advisory Committee reiterates that it is essential that teachers working in minority languages are trained in sufficient numbers and that such training is of adequate quality, preparing teachers for all levels of education.<sup>147</sup> While the Advisory Committee understands that the lack of minority language teachers has to be seen in the context of a general shortage of qualified teachers and the attractiveness of the profession as such, it considers that more should be done to make the profession of a minority language teacher more attractive. It would be worth exploring possible measures in co-operation with minority representatives, including scholarships for students who want to become minority language teachers, retraining of native speakers in pedagogy, and the recruitment of teachers from third countries.

183. The Advisory Committee calls on the authorities to address the lack of minority language teachers through making the profession more attractive and finding effective solutions in co-operation with minority representatives.

#### Learning of the official language (Article 14)

184. Students from schools teaching in Hungarian continue to receive, on average, lower grades and fail more often in the national baccalaureate exam than their peers from Romanian-language schools. This is due to Hungarian student's lower grades in the obligatory exam on Romanian language and literature. There are no such disparities in other exam subjects, which are all taken in the minority language. Similarly, students learning in Hungarian perform below national average also

in the national 8th grade examination, which is a precondition for entering upper secondary school.<sup>148</sup>

185. The authorities have undertaken a range of measures to address this disparity, which started occurring following the introduction of a more unitary and centralised model of national examinations in 2011.<sup>149</sup> Over the past years, a differentiated curriculum and specific educational materials for students whose first language is not Romanian has gradually been introduced, beginning with the cohort starting primary education in the school year 2013-14. As of 2021, the 8th grade examination has been adapted to students from minority language schools accordingly. The baccalaureate examination will be adapted as of 2025. However, as the authorities informed the Advisory Committee during the visit, the disparity in outcomes remained for 8th graders passing their exams in 2021. As a consequence, the Ministry of Education has reinforced its in-service training for teachers in minority language schools starting in 2021.

186. Students receiving instruction in minority languages also have to sit two more exams than their peers, namely an oral and a written exam in their first language and literature. Members of the Hungarian minority who had failed the baccalaureate brought an application before the European Court of Human Rights, in which they complained that the higher number of exams over the same number of days constitutes discrimination, as did the fact that the exams in Romanian language and literature put a higher burden on them as non-native speakers.<sup>150</sup> Given the particular circumstances, the Court was not convinced that the inconvenience suffered by the applicants was so significant as to reach the threshold of Article 1 of Protocol No. 12 to the Convention.

187. Representatives of the Hungarian minority report that the disparity in education outcomes negatively affects Hungarian students' chances to access higher education and employment. With a view to the fact that baccalaureate exams will be adapted only in 2025, they demand interim measures for the cohorts taking their baccalaureates until then. In order to monitor the

<sup>147</sup> ACFC [Thematic Commentary No. 3](#), para. 76.

<sup>148</sup> Bálványos Institute (April 2021), Shadow report on the implementation of the Framework Convention for the Protection of National Minorities in Romania, pp. 35. The report contains data up to 2020. During the monitoring visit, the authorities confirmed that the disparity occurred again in the 2021 baccalaureate exams.

<sup>149</sup> See also Advisory Committee's Fourth Opinion on Romania, paras. 124-125.

<sup>150</sup> Case of *Ádám and others vs. Romania*, no. [81114/17](#) and 5 others, 13 October 2020. The judgement makes ample reference to the Framework Convention (see paras. 26, 28 and 94).

situation more closely, they suggest that Romania should include a representative subsample of students learning in Hungarian in the regular PISA studies.<sup>151</sup>

188. The Advisory Committee reiterates that “adequate knowledge of the official language by persons belonging to national minorities is indeed essential for their participation in various spheres of life and their integration in mainstream society”.<sup>152</sup> It welcomes the authorities’ efforts to mitigate the difficulties experienced by students receiving instruction in Hungarian in passing the Romanian language and literature exams. It however observes that it took more than 10 years since the introduction of unified national exams in 2011 to fully introduce the specific curricula and educational materials for national minority schools and regrets that the adapted baccalaureate exam will only be introduced in 2025. Given the fact that the disparities have not disappeared despite these efforts, it appears necessary to closely monitor the situation and consider further adjustments of the examination rules.

189. The Advisory Committee strongly encourages the authorities to enhance their efforts in addressing disparities in baccalaureate examination results between students receiving instruction in Hungarian and those learning in Romanian-language schools.

#### Political participation of persons belonging to national minorities (Article 15)

190. The legal framework regarding political participation of national minorities in elected bodies has remained unchanged.<sup>153</sup> The Constitution reserves one seat in the Parliament to each national minority whose organisations do not attain the electoral threshold. The deputies elected on these preferential seats are

automatically members of the Council of National Minorities (see Article 3).<sup>154</sup>

191. In 2020, the European Court of Human Rights delivered its judgement in the case of *Cegolea v. Romania* concerning the lack of safeguards against arbitrariness in relation to the requirement for national minority associations to be granted “public utility” status if they want to participate in national elections. This criterion was imposed solely on national minority organisations not yet represented in Parliament, which according to the Court resulted in a discriminatory difference in treatment compared with organisations already represented.<sup>155</sup> The Court therefore found a violation of Article 14 of the Convention read in conjunction with Article 3 of Protocol No. 1. In execution of this ruling, the government is developing legislative proposals to address the deficiencies revealed by the judgment in the relevant legal framework, which are scheduled to be submitted to Parliament for adoption in March 2023.<sup>156</sup>

192. Following the 2020 parliamentary elections, 18 deputies representing national minority organisations which did not pass the electoral threshold were elected. As opposed to the 2016-2020 legislature,<sup>157</sup> the association of Democratic Union of Turkish Muslim Tatars in Romania participated in the elections and thus again obtained one seat in the Parliament and, as a consequence, in the Council of National Minorities. In addition, the Democratic Alliance of Hungarians in Romania (UDMR) participated in the elections based on the general rules applicable to all political parties and obtained 21 seats. The UDMR is currently part of the ruling coalition.

193. The Advisory Committee met with several representatives of national minorities who are deputies and members of the Council of National Minorities. They expressed satisfaction with the system in place and felt that it gives them possibilities to influence decisions affecting them.

<sup>151</sup> Bálványos Institute (April 2021), Shadow report on the implementation of the Framework Convention for the Protection of National Minorities in Romania, p. 8. The OECD’s Programme for International Student Assessment (PISA) is conducted every three years, including in 2022.

<sup>152</sup> [ACFC Thematic Commentary No. 3](#), para. 164.

<sup>153</sup> Advisory Committee’s Fourth Opinion, paras. 134-137.

<sup>154</sup> See detailed description of both the electoral system and the Council of National Minorities in the Advisory Committee’s Fourth Opinion, paras. 134-137 and 143-146 and the text of the applicable legislation in footnote 96.

<sup>155</sup> In *Cegolea v. Romania*, no. [25560/13](#), 24 March 2020. The applicant wished to stand in the December 2012 parliamentary elections on behalf of a foundation she chairs, which represents the Italian national minority. The Court found a violation of Article 14 in conjunction with Article 3 of Protocol No. 1. See also *Danis and Association of Ethnic Turks v. Romania*, no. [16632/09](#), 21 April 2015.

<sup>156</sup> See Decision [CM/Del/Dec\(2022\)1443/H46-21](#) taken by the Committee of Ministers at its 1443rd meeting, 20-22 September 2022. The next parliamentary elections are scheduled for late 2024.

<sup>157</sup> See Advisory Committee’s Fourth Opinion, para. 139.

The representative of the Lipovan Russian minority, for instance, participated in the reform of the legislation on fishing, a profession traditionally exercised by persons belonging to this minority, as well in decisions affecting the Romanian society as a whole. Representatives of Roma felt that they are underrepresented in the Parliament as compared to the numerical size of their minority. Each of the 19 national minority organisation has three seats in the Council of National Minorities. In 2021, only 12 out of the 57 members were women.

194. The Advisory Committee reiterates that “registration of national minority organisations and political parties may be subject to certain conditions. Such requirements should, however, be designed so that they do not limit, unreasonably or in a disproportionate manner, the possibilities for persons belonging to national minorities to form such organisations and thereby restrict their opportunities to participate in political life and the decision-making process. [...] In countries where prominent minority parties exist, it is important to ensure that other minority parties or political organizations wishing to represent the interests of other persons belonging to the same national minorities have opportunities to do so.”<sup>158</sup>

195. Against this background, the Advisory Committee reiterates its view expressed in its Third and Fourth Opinions on Romania that the conditions for new minority associations to contest in national elections unduly favour candidates of associations already represented in Parliament. It considers important that the current work on alternative legislation prompted by the European Court of Human Rights judgement takes into account the need to respect equal opportunities and diversity within national minorities.

196. The Advisory Committee regrets, furthermore, the low representation of Roma in Parliament. The low share of female members in the Council of National Minorities raises questions as well. The statute of Timișoară’s local minority council was reformed to allow national minorities to be represented in the council by several members instead of only one, as was the case previously. As a result, the council has gained more female and young members, reflecting better the diversity within national minorities. The Advisory Committee reiterates that “for the credibility of consultative bodies, it is essential that their appointment procedures are transparent and designed in close consultation

with national minorities. State Parties are encouraged periodically to review the appointment procedures to make sure that the bodies concerned are as inclusive as possible, maintain their independence from governments, and genuinely represent a wide range of views and experiences amongst persons belonging to national minorities. It is important to ensure that women belonging to national minorities are involved in consultative bodies.”<sup>159</sup> In this light, the Advisory Committee considers the example of the Timișoară minority council good practice that may inspire other local councils and possibly also the central authorities.

197. The Advisory Committee calls on the authorities to address shortcomings in the system of allocation of preferential seats in the Parliament. It further calls on the authorities to review, in co-operation with minority representatives, the appointment procedures of the Council of National Minorities and of local minority councils with a view to making them more representative of the diversity within national minorities.

#### Socio-economic participation of Roma (Article 15)

198. During the monitoring period, the Romanian authorities, with the support of the European Union as well as the EEA and Norway Grants, invested in improving the socio-economic participation of Roma. With a view to improving the housing situation, for instance, Law 350/2001 on Spatial planning and urbanism was amended in July 2019, introducing a definition of informal settlements and clarifying the responsibilities of central and local authorities concerning the implementation of the necessary planning, cadastral and safety measures as well as related consultation procedures. The authorities have also supported the construction of some 300 social housing units, co-financed international projects to improve housing conditions, and they continue to register informal housing so holders can obtain property rights. In the field of health care, the authorities maintain a network of community centres providing integrated basic services and employ more than 460 Roma health mediators. In the area of employment, approx. 26 000 Roma participated in active employment measures such as information counselling, vocational training, and job-matching provided to all registered job-seekers in 2019.<sup>160</sup> The authorities also informed the Advisory Committee

<sup>158</sup> [ACFC Thematic Commentary No. 2](#), paras. 76 and 79.

<sup>159</sup> [ACFC Thematic Commentary No. 2](#), para. 111.

<sup>160</sup> Information provided by the authorities in May 2022, pp. 8-13 and Annex 1 See for example the project supported by EEA/Norway grants in Pata Rât, available at <https://eeagrants.org/news/bringing-hope-pata-rat>.

that special places for Roma and persons belonging to other national minorities are reserved in the Police Academy and Police college schools.

199. Nevertheless, the socio-economic indicators regarding Roma continue to be significantly worse as compared to the national average. The at-risk-of poverty rate, for instance, increased from 70% in 2016 to 78%, more than three times the rate in the general population. As on several other indicators, there is a gender gap meaning that Roma women tend to have even lower outcomes in terms of their socio-economic situation than Roma men.<sup>161</sup>

200. The housing situation of Roma continues to raise serious concerns. Almost 90% live in overcrowded housing and 19% report being confronted with pollution or other environmental problems in the area they live.<sup>162</sup> Research on climate vulnerability shows that Roma settlements in Romania tend to be located in areas that are disproportionately affected by flooding and are often located in the peripheries of cities, close to industrial plants, landfills or wastewater treatment plants.<sup>163</sup> On a positive note, the rate of persons not having access to tap water inside their dwelling decreased from 68% in 2016 to 40%, which however is still twice as high as in the population in general.<sup>164</sup> Two-thirds of Roma live in neighbourhoods where all or most of the neighbours are Roma, i.e. there is a high degree of spatial segregation.<sup>165</sup> In the context of the Covid-19 pandemic, the Romanian National Agency for Roma conducted an assessment finding that water access and sanitation needed to be installed in a large number of neighbourhoods inhabited predominantly by Roma.<sup>166</sup> In the village of Telcheu, the Advisory Committee observed a good practice of community development based on close co-

operation between civil society activists and the municipality. Such initiatives tend to depend rather on the engagement of individual persons than on a coherent government policy supporting integrated community development.

201. Roma continue having difficulties in accessing basic, preventive and curative health care services. Data show that gaps between Roma and the majority population remain regarding morbidity and mortality, as well as regarding frequency of health check-ups and vaccination rates. Roma women and girls often experience additional gender bias in access to health care services.<sup>167</sup> In addition to the above-mentioned difficult housing conditions, widespread poverty made it more difficult for many Roma to follow protection measures during the Covid-19 pandemic. For example, many minority members had no means to buy medical masks or to print self-declaration forms during lockdown period.

202. Romania still has a high rate of early marriages, primarily occurring in rural Roma communities as unregistered unions.<sup>168</sup> Observers criticise a general reluctance of the authorities to intervene in cases of alleged forced marriage or sexual violence, as acts of violence committed against Roma girls are routinely ascribed to “cultural practices” specific to their communities and ignored on that ground.<sup>169</sup> Roma women and girls also face greater barriers in accessing relevant support services and shelters.<sup>170</sup>

203. As regards employment, the participation of Roma in paid work remains at 41% and thus significantly below the national average. It is particularly low for Roma women (23%). Almost 60% of young Roma aged 16-24 are neither in

<sup>161</sup> EU Agency for Fundamental Rights (FRA) (2021), [Roma in 10 European countries. Main results](#), p. 25. The rate is 80% for Roma women and 76% for Roma men (Table 4, p. 60). In the general population, 23% are considered to be at risk of poverty.

<sup>162</sup> *Ibid.*, pp. 69-71.

<sup>163</sup> Filip Alexandrescu et al., On the path of evictions and invisibilization: Poor Roma facing climate vulnerability, in: *Cities 114* (2021).

<sup>164</sup> *Ibid.*, pp. 69-71.

<sup>165</sup> Strategy of the Romanian government on inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027, pp. 11-13.

<sup>166</sup> *Ibid.*, p. 13.

<sup>167</sup> *Ibid.*, p. 27.

<sup>168</sup> Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), [First baseline evaluation report on Romania](#), p. 57.

<sup>169</sup> Statement of the UN OHCHR Working Group on discrimination against women and girls reflecting its preliminary findings at the end of its official visit to Romania 24 February to 6 March 2020.

<sup>170</sup> Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), [First baseline evaluation report on Romania](#), pp. 40-45.

employment, education or training.<sup>171</sup> Roma mainly work in construction, followed by trade and agriculture, as well as performing activities in private households.<sup>172</sup>

204. The Romanian Government's "Strategy for the Inclusion of Romanian Citizens belonging to the Roma minority for the period 2015-2020" attempted to address these problems as well as inequalities in the areas of education (see Articles 4 and 12), and culture (see Article 5).<sup>173</sup> The impact of the Strategy cannot be measured appropriately because there was no baseline before the strategy started to be implemented and no systematic monitoring and evaluation system has been established.

205. The "Strategy for the inclusion of Romanian citizens belonging to the Roma minority 2022-2027" adopted in May 2022 provides for a similar set of objectives in the areas of housing, education, employment, health care, culture, and anti-discrimination. A broad coalition of over 70 Roma and non-Roma organisations was involved in the Strategy's preparation. A range of issues proposed in the strategy document elaborated by this coalition were not taken into account in the final document adopted by the government, however.<sup>174</sup> Though the concept of intersectionality is mentioned, gender issues and the specific needs of Roma women and girls are not sufficiently addressed. Specific measures for Roma people with disabilities, elderly Roma or stateless Roma are not included at all.<sup>175</sup> As in the previous Strategy, most areas lack quantifiable baseline and target indicators, which makes it impossible to adequately monitor progress. The six thematic action plans accompanying the Strategy contain some information on attributed budget, but they differ in structure and quality, so that it is not possible to assess the overall investment the authorities plan to make in achieving equality, inclusion and participation of Roma. It is also not clear to the Advisory Committee to what extent funding is provided specifically for Roma-related projects or rather corresponds to social welfare expenses attributed in the framework of the general social assistance schemes.

206. The Advisory Committee deplores the fact that despite the efforts under the last Roma

Inclusion Strategy Roma continue to experience considerable inequalities in socio-economic participation and notably in the areas of housing and health care. The Advisory Committee welcomes that the new Strategy was developed in co-operation with broad coalition of stakeholders and finds it important that the same participatory approach be followed in its implementation, monitoring and evaluation.

207. The Advisory Committee calls on the authorities to step up their efforts in improving socio-economic participation of Roma, including through the full implementation of the "Strategy for the inclusion of Romanian citizens belonging to the Roma minority 2022-2027" in close co-operation with Roma representatives. To this end, the authorities should earmark sufficient funding for the implementation of all measures outlined in the Strategy, develop quantifiable baseline and target indicators to be regularly evaluated, and focus particularly on the specific needs of Roma women and girls.

#### Bilateral and cross-border co-operation (Articles 17-18)

208. Romania has concluded a range of bilateral agreements containing clauses aimed at the protection of persons belonging to national minorities. The respective joint intergovernmental commissions with Germany, Hungary, Serbia and Ukraine continued to meet during the monitoring period, albeit with different levels of success. While the joint commission with Germany meets on an annual basis, sessions of the commissions with Hungary, Serbia and Ukraine are held less frequently.

209. The Advisory Committee positively notes cross-border co-operation at the regional level, such as between Timiș County and the respective regions in Hungary and Serbia, and the "Danube Platform of Intercultural Dialogue". Bilateral co-operation also exists in the media sector, giving the possibility to minority language journalists working for the Public Broadcaster to follow training in Bulgaria, Hungary or the Slovak Republic. There is also a long-standing co-

<sup>171</sup> EU Agency for Fundamental Rights (FRA) (2021), [Roma in 10 European countries. Main results](#), p. 67

<sup>172</sup> Roma Civil Monitor (2019) [Civil society monitoring report on implementation of the national Roma integration strategy in Romania. Identifying blind spots in Roma inclusion policy](#).

<sup>173</sup> See also Advisory Committee's Fourth Opinion on Romania, paras. 151-157.

<sup>174</sup> Roma Civil Monitor (May 2022), Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Romania, pp. 11-12.

<sup>175</sup> *Ibid.*, p. 7.

operation between the radio stations in Timișoară and Szeged, Hungary.

210. Finally, bilateral co-operation programmes exist in the education field, allowing for teachers from Bulgaria, Germany, Serbia, the Slovak Republic and Turkey to teach at Romanian national minority schools.<sup>176</sup> For example, in 2018 Romania renewed the co-operation programme between the Ministry of National Education in Romania and the Ministry of Education, Science, Research and Sports of the Slovak Republic, which provides for training of Slovak language teachers in the Slovak Republic.

211. The Advisory Committee considers that, in addition and without prejudice to existing instruments and mechanisms of multilateral co-operation, bilateral commissions with active involvement of national minority representatives can constitute channels for sharing information, ideas and concerns and promoting the rights of persons belonging to national minorities.<sup>177</sup>

212. The Advisory Committee encourages the authorities to implement existing bilateral agreements, to secure a good functioning of the respective joint intergovernmental commissions, and continue supporting cross-border co-operation in the spirit of good neighbourliness, friendly relations and co-operation between states.

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<sup>176</sup> State Report, p. 46.

<sup>177</sup> See also OSCE High Commissioner on National Minorities (2008), [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Rules 18 and 19.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Romanian, Albanian, Armenian, Bulgarian, Croatian, Czech, German, Greek, Hungarian, Italian, Russian, Macedonian, Polish, Romani, Serbian, Slovak, Turkish and Ukrainian.

This opinion contains the evaluation of the Advisory Committee following its 5<sup>th</sup> country visit to Romania

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