
Monitoring the implementation of

The European Charter for **Regional or
Minority Languages**

Chapter – Media

Introduction

The present paper analyses the implementation in Romanian of the provisions with relevance for media of the European Charter for Regional or Minority Languages, adopted in Strasbourg in 1992 and ratified by the Romanian Parliament through Law 282 of 2007. It reviews the regulations regarding media in the national minority languages, the Charter's provisions and how these are implemented, it analyses the consequences attributable to the Charter, and formulates a set of recommendations for a more efficient implementation of both the letter and the spirit of the Charter.

1. Romanian legislative framework for guaranteeing press in national minority languages

As concerns the media, and for that matter the other fields regulated by this European document, implementation of the provisions of the European Charter for Regional or Minority Languages is not done through passing new normative acts. According to the representative of the Department for Interethnic Relations (DIR) of the Romanian Government, when Law 282/2007 was drafted, the Charter's provisions were adopted in such a manner that their implementation would be ensured through already existing legislation.

From the legislative perspective, the audiovisual is the media field which has the largest number of regulations in Romania, through *Law no. 504 from 11th of July 2002 – The Audiovisual Law* and *Law no. 41 from 17th of July 1994 (republished and reviewed) regarding the organization and functioning of the Romanian Radio Broadcasting Society (Societatea Română de Radiodifuziune) and the Romanian Television Society*. These laws grant protection of the national minority languages and values in the media.

The Audiovisual Law states that the National Audiovisual Council (Consiliul Național al Audiovizualului) is responsible for safeguarding the national minority's cultures and languages, including through monitoring the correct use of these languages. The same law states that in localities in which a national minority represents over 20% of the total population, broadcasters shall provide broadcasting services which are free for retransmission in the respective national minority language.

For ensuring audiovisual programmes in minority or regional languages, as stated in Law no. 41/1994, the national public radio and television pursue the following objective: "production of radio or television programmes in national minority languages or in other languages with an informative, cultural, educative

or entertainment purpose". The Romanian Radio Broadcasting Society and the Romanian Television Society have the task to promote national minorities' values and to include in the minimum of 30% of European programmes broadcasted, additionally to the Romanian programmes, programmes which are specific for the national minorities.

Regarding the management and administration of these institutions, the same law states that members of the Administration Councils of the two societies are voted by the Parliament, and one member of each board is nominated by the national minorities' parliamentary groups. In the same spirit, if regional studios also have programmes in national minority languages, their Directing Committees will have in their composition representatives of the producers of such programmes.

Some of the National Audiovisual Council decisions, with normative value, are also relevant (based on the Audiovisual Law). Among the criteria on the basis of which the Council decides the issuing of audiovisual licenses are included the degree to which the structure and format of the programmes proposed by the broadcasters ensure the protection of national minority cultures and languages. In addition, it is stipulated that "in news programmes and debates on subjects of public interest regarding national minorities ... the national minorities' perspective shall be presented".

Regarding the written press, this field is not regulated by a special law, and it operates largely based on the principle of self-regulation. Journalists' organizations drafted a deontological code and evaluate, through awards, the performances in this field. *The Law on press in the Romanian Socialist Republic of 3rd March 1974, republished*, is still in force, and it states that "conditions for informing and expressing opinions also through press bodies in mother tongue are created for the working people of co-existing nationalities". This law is practically ignored as regards to its enforcement, due to its lack of relevance for the current state of the press.

2. European Charter for Regional and Minority Languages – relevant aspects of mass media

2.1 Part II, Article 7 relevance – Objectives and principles

The second part of the Charter lists a series of general principles, which, according to *Art. 2 – Undertakings*, the ratifying country undertakes to apply for all the regional and minority languages used on its territory. These languages are, according to *Article 2 of Law no. 282 / 24 October 2007 for the ratification of the European Charter for Regional or Minority Languages*: Albanian, Armenian, Bulgarian, Czech, Croatian, German, Greek, Italian, Yiddish, Macedonian, Hungarian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak, Tatar, Turkish, Ukrainian.

Due to the fact that part of these languages benefit from extended protection through entering under the provisions of Part III of the Charter, the provisions of Part II of the Charter are applied to the regional or minority languages as defined in Art. 4 of Law no. 282, included in the following table. The number of native users of these languages are taken from the data of the 2002 Census¹:

No.	Minority language	Number of people who use this language as mother tongue
1.	Albanian	484
2.	Armenian	721
3.	Greek	4,170
4.	Yiddish	951
5.	Italian	2,531
6.	Macedonian	588
7.	Polish	2,690
8.	Romani	237,570
9.	Ruthenian	169
10.	Tatar	21,272

The media is one of the channels used for implementing the principles listed in Part II of the Charter, but without explicit provisions or standards, there cannot be proper monitoring of progress in the implementation of this set of the Charter's provisions. In the following, we present a series of relevant information for the Charter's regulations and some general comments.

¹ <http://www.recensamant.ro/>, (accessed on 05.07.2009)

The first paragraph of this Part of the Charter comprises within principles and objectives:

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

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

As an essential principle, the recognition of minority languages as an expression of cultural wealth implies, on the one side, that the state encourages the use of these languages through mass information means (facilitating/supporting publications in regional or minority languages, allocating broadcasting time in these languages and broadcast frequencies for radio and TV, etc.) and on the other, using the media as a channel for promoting the values of linguistic diversity to the population.

The principle stated in paragraph 1, letter d explicitly refers to the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life. The media – written press, audiovisual and internet – has a tremendous potential for the implementation of this principle.

We present in the following table a synthesis of the type of media content available for each minority:

Language/ minority		Radio programm es in minority language	TV programm es in minority language	TV programmes in Romanian language about minorities	Daily and/or weekly written press	Magazines
Languages included in 2 nd Part of the Charter	Albanian					
	Armenian					
	Greek					
	Italian					
	Yiddish/Jewish					
	Macedonian					
	Polish					
	Romani					
	Ruthenian					
	Tatar					
Languages included in 3 rd Part of the Charter	Bulgarian					
	Czech					
	Croat					
	German					
	Hungarian					
	Russian					
	Serbian					
	Slovak					
	Turkish					
	Ukrainian					

Some of the national minority communities have publications in their mother tongue (some of them with bilingual content) published by organizations that

represent them. A list of these publications can be found in Annex 3. One can speak about periodical written press – daily or weekly – only in the case of Hungarian and German languages, not in the case of the languages which are covered by Part II of the Charter.

The Romanian Television Society (Societatea Română de Televiziune - SRTV) telecasts also a series of programmes in national minority languages, especially on TVR3 channel, which was created in 2008 and is dedicated to regional communities. Over the years, programmes dedicated to ethnic communities were not necessarily in minority languages. Starting with 2008, the TVR program schedule differentiates between programmes in minority languages and programmes about the life and culture of different ethnic groups. In order to cater for Romania's 20 national minorities, at present, TVR's schedule includes programmes in: Hungarian, German, Serbian, Bulgarian, Croat, Russian, Turkish, Czech, Slovak, Ukrainian (of the languages included in Part III of the Charter), and Tatar, Greek, Romani (from the languages included in Part II of the Charter). In addition to these, TVR also broadcasts programmes in Romanian about the life and culture of the Polish, Italian, Armenian, Albanian, Ruthenian, Jewish and Macedonian communities.

We would like to point out some aspects which must be taken into consideration in the evaluation of the ethnic minorities' satisfaction with these programmes, and in the evaluation of these programmes' contribution to the protection of regional and minority languages:

- *Duration of broadcast*, which is very short in the case of some languages: 5-20 minutes of TV broadcasting and 10-60 min of radio programmes, weekly in the case of small minorities (Annex 1, TVR Broadcasting times, Annex 2 – Radio Broadcasting times);
- *Unfavourable broadcasting hours* – especially in the first part of the afternoon when the audience is composed mainly of children and senior citizens;
- *The content and the relevance* of these programmes for the daily life of the communities. Due to the short duration of the programmes and the frequency of the broadcast (usually weekly), news is excluded from these programmes. The broadcasted materials are mostly produced by the radio studios and TV channels and present events which are significant for the communities with aspects related to religion, traditions and customs;
- *The quality of the broadcasted materials*. There are not enough grounds for an objective qualitative evaluation of radio and TV programmes. Relevant aspects from this point of view are the low audiences of these shows (explained also by the broadcasting hours), low production budgets, the fact that for some languages the stations do not have their own employed language users and work with collaborators, the lack of studies regarding the needs and interests of the audience and the limited means of consulting with the public used by producers.

3. *The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or*

minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

In this part of the Chapter the only explicit reference made to media is in paragraph 3, which states that the media together with education shall have the role of cultivating mutual understanding between linguistic groups, and also the values of respect, understanding of and tolerance towards the minority languages.

The media, in general, presents aspects regarding ethnic and linguistic minority communities and ethnic-linguistic diversity. However, there is no specialized body for controlling the written press; in the audiovisual field the guarantor of these principles (rather of non-infringement of these principles) is the National Audiovisual Council (www.cna.ro).

Public radio station and television channels include, in addition to shows in minority languages, programmes in Romanian about the life of ethnic communities <e.g. *Cohabitations* (Convietuiri) on TVR>, in the attempt to promote mutual knowledge and respect for diversity, including linguistic diversity.

Endeavours to promote inter-ethnic dialogue and the correct presentation in the press of themes related to ethno-cultural minority communities have been made especially by non-governmental organizations. The Press Monitoring Agency – Catavencu Academy (www.mma.ro), the Centre for Independent Journalism (www.cji.ro), the Ethnocultural Diversity Resource Centre, which initiated the Divers.ro project, have all implemented over the years relevant projects in this field. The experts of these organizations consider that in the last years significant improvements have been made in presenting minority issues in the Romanian language press. An important role in this aspect is played by both amendments of legislation and the integration in the Romanian language editorial teams of more and more minority ethnics who are able to convey a relevant perspective on the life of ethnic communities.

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

The main competence in implementing and monitoring the provisions of the European Charter for Regional or Minority Languages remains within the Department for Interethnic Relations (Departamentul pentru Relații Interetnice - DRI) of the Government. Under the coordination of DRI lies the National Minorities Council (Consiliul Minorităților Naționale - CMN), a Government's consultative body without legal personality, of which objective is to ensure relations with the national minority organizations. CMN is composed by representatives of citizens' organizations of national minorities, represented in the Romanian Parliament.

On the public agenda there is no sign of debate on the press in national minority languages. Due to the limited media competences of national minority organization's members for the determination of politics on regional and minority languages for the media chapter, a possible solution would be the creation of a think tank including media experts – both from public and private sectors – with publishing/dissemination in minority languages.

2.2. Relevance of Part III, Article 8 of the Charter for media

Part III of the Charter contains a set of provisions of which the signatory states undertake to apply a minimum of 35 paragraphs for every minority language protected by this part of the Charter. Of these, the state must apply at least one paragraph from Article 11 – Media.

According to Article 5 of Law no. 282, the provisions of Part III of the Charter refer to 10 regional or minority languages. In the following table we present the ten languages (in decreasing order of the number of persons who use the respective language) and the number of persons who, in the 2002 population census, stated the respective language to be their mother tongue:

No.	Regional or minority language	Number of persons who use this language as mother tongue ²
1	Hungarian	1,443,970
2	Ukrainian	57,407
3	German	44,888
4	Russian-Lipovan	29,246
5	Turkish	28,115
6	Serbian	20,411
7	Slovak	16,027
8	Bulgarian	6,735
9	Croat	6,355
10	Czech	3,381

The Romanian authorities have undertaken the implementation of 3 paragraphs of Art. 11 for each language included in the table above.

Paragraph 1 is undertaken differently for each minority language, depending on the number of users, the territorial coverage and use of these languages and on the current level of press development in minority languages. This paragraph refers to the support for the production and distribution of written press materials, radio and television in minority and regional languages, financial assistance for these productions and support for the professional training of journalists and personnel for media which uses regional or minority languages.

Paragraphs 2 and 3 were fully undertaken for all the ten minority languages. Through paragraph 2 the signing parties undertake to guarantee freedom of direct reception and retransmission of radio and television broadcasts from

² <http://www.recensamant.ro/>, (accessed on 05.07.2009)

neighbouring countries in a language used in identical or similar form to a regional or minority language, and to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press. Paragraph 3 states that the interests of the users of regional or minority languages are represented or taken into account by bodies with responsibilities for guaranteeing the freedom and pluralism of the media.

Analysis of mode and mechanisms for the implementation of Part III

Following we present a series of aspects related to the implementation in Romania of the provisions of Part III of the Charter. For each (sub)paragraph we present a succinct and comparative table of the undertaken provisions by the Romanian state and an analysis of the implementation mode. The information and opinions at which we refer in our comments were obtained by documentation, questionnaires and interviews addressed to national minority organizations, press institutions, mass media organizations and to some public bodies with competences in media field or national minorities. A complete list of information sources and the interviewed persons/organizations is annexed at the end of the report.

Paragraph 1, Subparagraph a.

As regards to the radio and television public services, Romania undertakes Point iii of subparagraph 3, namely to take measures in order to determine the broadcasters to schedule programmes in regional or minority languages. Only in the case of Hungarian language, the Romanian state will encourage/or facilitate the creation of at least one radio station and one television channel in this language.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>a. to the extent that radio and television carry out a public service mission:</i>										
<i>ii. to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;</i>										
<i>iii. to make adequate provisions so that broadcasters offer programmes in the regional or minority languages.</i>										

Radio and television public services are provided by the Romanian Radio Broadcaster Society and the Romanian Television Society.

According to the *Activity report of the Romanian Radio Broadcaster Society - 2008*³, the radio public service provides broadcasting of programmes in all the 10 minority languages as follows:

- Bulgarian – 30 minutes weekly (Radio Timișoara);
- Czech – 60 minutes weekly (Radio Timișoara, Radio Resita);
- Croat – 30 minutes weekly (Radio Timișoara);
- German – 1630 minutes weekly (Radio București, Timișoara, Târgu-Mureș, Resita);
- Hungarian – 6230 minutes weekly (Radio București, Târgu-Mureș, Cluj, Timișoara, Resita);
- Russian – 60 minutes weekly (Radio Constanța);
- Serbian – 870 minutes weekly (Radio Timișoara, Resita);
- Slovak – 90 minutes weekly (Radio Timișoara, Resita);
- Turkish – 60 minutes weekly (Radio Constanța);
- Ukrainian – 85 minutes weekly (Radio Timișoara, Resita, Cluj).

The Romanian Television Society (SRTV) broadcasts on the channels TVR1, TVR2, TVR3, TVR Cultural, TVR International programmes in all the minority languages mentioned in Part III of the Charter.

Since October 2008 SRTV created the TVR3 channel, the first channel dedicated to local and regional thematic and communities. The program schedule of TVR3 comprises productions of the local studios TVR Iasi, TVR Craiova, TVR Cluj, TVR Timișoara, TVR Târgu-Mureș, the Southern part of the country is covered by productions of the Bucharest central studio. According to the Activity report of SRTV, the algorithm for including programmes in minority languages and about national minorities in the program schedule is realized after consultations with the minorities' representatives in the Romanian Parliament. A table with broadcasting times allocated to each minority (except the Hungarian minority) can be found in Annex no. 1, at the end of the report.

Until 2008 TVR's program schedules included programmes in Hungarian, German, Serbian and Romani. The creation in October 2008 of the TVR3 channel allowed the increasing of time allocated to programmes in minority languages and led to the creation of new programmes. For the first time in the history of TVR, in the program schedule of TVR3 were introduced, in October 2008, programmes in: Bulgarian, Croat, Russian, Turkish, Tatar, Greek, Czech, Slovak and Ukrainian.

Also starting in 2008, the TVR program schedule made a distinction between programmes in minority languages (subtitled in Romanian) and programmes about national minorities in Romanian.

The broadcasting by the public service radio and television channels of programmes in Bulgarian, Czech, Croat, German, Russian, Serbian, Slovak,

³ <http://www.srr.ro/info/public/activitate/2008/raport%20de%20activitate%20srr%202008-13aprilie2009.pdf>, (accessed on 7.08.2009)

Turkish and Ukrainian confirms the fact that Romania respects the undertaking for these languages through subparagraph a, point iii, which is to make “adequate provisions so that broadcasters offer programmes in the regional or minority languages”.

As regards to point ii, undertaken for Hungarian, to “encourage and/or facilitate the creation of at least one radio station and one television channel” the degree of complying with these provision is relative and depends on the interpretation of the terms “encourage” and “facilitate”. At this moment there is no public service radio station or television channel which broadcasts exclusively in Hungarian. An interim solution for compliance with these provisions is the creation in 2008 of the Târgu-Mureş regional television studio, which broadcast approximately 50% in Hungarian. Similarly, Radio Târgu-Mureş, which covers with programmes Mureş, Braşov, Harghita and Covasna counties, broadcasts weekly 3,000 minutes in Hungarian on FM (short waves), of which 2,200 minutes also on medium waves.

Paragraph 1, Subparagraph b.

Subparagraph b. refers to the broadcasting of radio programmes in regional or minority languages. Unlike the subparagraph a, which involves public services, this section states the undertaking to encourage and/or facilitate the creation of at least one radio station (Hungarian) and the broadcasting of radio programmes in the regional or minority languages on a regular basis (in eight languages), without mentioning the public or private character of the broadcaster.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>b. i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;</i>										
<i>b. ii. to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis.</i>										

It is interesting to observe that from the 10 languages mentioned in the Part III of the Charter, this subparagraph does not apply to Croat language.

As regards the radio programmes in national minority languages of the Romanian Radio Broadcasting Society, details – broadcasting languages and times – are presented in the previous category.

There is no centralized information regarding radio programmes in regional or minority languages broadcasted by private stations. From the information obtained from the CNA representative, we find that, except Hungarian, Serbian and Turkish there are no radio programmes in national minority languages on other stations than those belonging to the public service. The reasons are mainly of financial nature, due to the small number of users of these languages, commercial stations find no interest in including such programmes in their program schedules.

Recently was launched a private radio station in Serbian, Radio Link, but this is a commercial station, without any own-production of informative materials.

The Turkish community is the only one which owns a radio station which broadcasts in Constanta on short waves, 9 hours a day in Turkish and Romanian. The operation of the station is financed mainly through community efforts and with funds from the Turkish Government. In the station's program schedule an important role is played by religious programmes; from this point of view the station is targeting not only Turks ethnics but the entire Muslim community including Muslim Turks and Tatars.

This subparagraph is implemented differently for Hungarian, where Romania undertakes to "encourage and/or facilitate the creation of at least one radio station". Again, the monitoring of the Charter's implementation is dependent of the understanding of terms like "encourage" and "facilitate".

As we already mentioned, there is no public radio station that broadcasts exclusively in Hungarian. If, for example, we consider the issuing of radio licenses to private stations which broadcasts in Hungarian as an act of facilitating the creation of a radio station, we can say that there is a certain level of implementation of this provision.

According to data from the CNA representative, there are dozens of stations which broadcast in Hungarian. This fact is due to the dimension of the Hungarian minority and also to the proximity to Hungary. There are many stations that broadcast in Romania from Hungary or are owned by Hungarian companies licensed in Romania. Especially where there is a large Hungarian community we can talk about private radio stations which operate based on market principles. A series of local radio stations operate, as described above, and broadcast for the respective community in Hungarian, of which: Paprika Rádió – Cluj-Napoca, Profi Rádió – Târgu Secuiesc, Rádió Gaga – Târgu-Mureş, Régió Rádió – Sfântu

Gheorghe, Târgu Secuiesc, Baraolt, Retró Rádió – Miercurea Ciuc, Siculus Rádió – Târgu Secuiesc, Star Rádió – Odorheiu Secuiesc, Vox FM – Cristuru Secuiesc.

The fact that radio stations which broadcast in minority languages do not cover all the geographical areas where users of these languages live continues to be a problem. From this point of view it is important to mention that there are no private radio stations with regional coverage. For example, in the case of the Hungarian minority, in major cities are present private owned radio stations which broadcast in Hungarian or programmes in Hungarian on public radio stations with regional coverage. Even so, there are users of Hungarian as mother tongue who do not have access to these stations (especially in the rural are, or those who live in areas which do not have a larger number of Hungarian ethnics). In addition to these, if we consider the fact that local radio stations allow the broadcast of relevant information for the listener because it is related to his nearby reality, only a small proportion of minority languages users have access to radio programmes with a significant content. Still, thanks to the rapid rhythm of increasing the number of private owned stations and the expansion opportunities over internet, we can estimate that, in a few years, the problem of coverage of the minority languages programmes geographical will be solved.

A relevant aspect regarding access to radio programmes is the internet broadcasting. The *online* presence of a radio station has much smaller costs than traditional wave broadcasting and it can be received even outside the coverage are. The majority of private owned radio stations which broadcast in Hungarian can be listened to *live* over internet. As regards to the other minority languages, they can be listened to over internet thanks to the fact that SRR ensures *live* streaming of its programmes, regional public radio stations are available on www.radioromaniaregional.ro.

A series of critical considerations related to the content of radio programmes in minority languages and their relevance for the needs of preservation and development of the language use are included in the analysis of Subparagraph d.

Paragraph 1, Subparagraph c.

Similar to the previous point related to radio programmes, Subparagraph c. refers to the broadcasting of television programmes in regional or minority languages. Again, unlike Subparagraph a, which implies public services, this section mentions the undertaking to encourage and/or facilitate the creation of at least one television channel (Hungarian) and broadcasting on a regular basis of television programmes in minority languages (in the case of eight languages), without mention to the public or private character of the broadcaster.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>c. i. to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or</i>										
<i>ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis.</i>										

As regards the television public service, in the SRTV activity report from 2008 is stated that:

- *TVR strictly respected the space allocated to programmes dedicated to Romania's ethnic minorities on all of its five channels;*
- *In the 2005-2008 period there were no petitions or notifications registered at the Romanian Television regarding the "language" discrimination criterion. The Romanian Television fully complies with the European Charter for Regional or Minority Languages provision.*

In TVR operates a *Hungarian Department* and a *Department for other minorities programmes*.

The *Hungarian Department* created in 2008, according to the activity report, 248 hours of broadcast. According to the program schedule available in Annex 1, TVR broadcasts weekly approximately 280 minutes in Hungarian on the following channels: TVR1 (125 minutes), TVR2 (52 minutes), TVR3 (48 minutes) and TVR Cultural (28 minutes). Twice a month are broadcast on TVR International app. 55 minutes in Hungarian.

The programmes broadcasted in Hungarian are mostly own productions, created in premiere, except the programmes broadcasted on TVR Cultural and TVR International which represent selections of the programmes created and broadcasted by TVR1, TVR2 and TVR3.

To these productions are added the Hungarian productions of TVR's regional studios: Cluj, TVR Târgu-Mureş and TVR Timişoara.

Keeping in mind the Charter's content and the undertaking of the Romanian state to facilitate the creation of at least one Hungarian television channel, this provisions is not satisfied yet through public services.

Unlike radio, where there is a large number of private owned Hungarian local stations, in the case of television, due to the higher operating costs of a TV broadcaster, the number of private endeavours is much lower. Private television channels exist only at local level, in areas with mostly Hungarian population and represents rather informative channels of cable operators with local interest announcements and a very reduce own editorial production. Mostly, the needs are covered by re-transmission of Hungarian channels – from Hungary or international – by cable television operators.

Point ii. of this subparagraph – regarding eight of the ten languages comprised in Part III of the Charter – is practically covered by programmes broadcasted by TVR's channels.

Until the creation of TVR3 channel in October 2008, the *Department of programmes for other minorities* created only Romanian programmes about Romania's ethnic communities, and the Cluj and Timisoara regional studios produced and broadcasted on regional frequencies (shared with TVR2) weekly programmes in Hungarian, German, Serbian and Romani. Through the creation of TVR3, these programmes were introduced in the program schedule of the new channel, giving them national coverage, not only the regional coverage of the regional studio that produced the respective programme. In addition to these, other nine weekly programmes in: Bulgarian, Croat (created by TVR Timișoara), Russian, Turkish, Tatar, Greek (produced by the central studio), Czech, Slovak and Ukrainian (produced alternately by TVR Cluj and TVR Timișoara) were added in the TVR3 program schedule. Broadcasting times for each language are presented in Annex 1.

The broadcasted programmes are exclusively the production of TVR and are realized in minority languages and broadcasted with Romanian subtitles. With the exception of Serbian programmes, for which TVR has its own employees, all the other programmes are realized with the support of external collaborators. Although there is a connection between the production teams and national minority's organizations, representatives of these organizations express the wish of a tighter collaboration especially in the cases in which the community is relatively geographically isolated from the location of the producing studios.

There is no data available regarding the existence of minority languages programmes on private TV channels.

TVR1 programmes have a geographical coverage of 98%, and the TVR2 programmes of around 80%. From this point of view one of the main objectives of scheduling minority languages programmes is to ensure significant broadcasting times on these channels. TV channels with satellite broadcasting can be received with a special individual antenna or through TV cable operators, covering approx. 70% of Romania's territory. From the programmes dedicated to minorities, only the ones broadcasted by TVR International are at this moment available for internet viewing. The Hungarian Department of TVR has planned a project to create an *online* archive of all programmes.

The lack of undertaking this subparagraph for German can be noticed, a surprising fact considering that the Romanian Television allocates significant broadcasting time for this language. Within the Minority Department of TVR operates a German Section, which produces around 140 minutes of German programmes and broadcasts around 215 minutes weekly on 5 channels of the public service.

Paragraph 1, Subparagraph d.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;</i>										

The National Audiovisual Council decision no. 403/ 30 June 2005 regarding the acceptance of procedures and conditions for giving audiovisual license and of the procedure for releasing the audiovisual authorization, states in Art. 8, Paragraph 2, among the criteria for evaluating the principle structure and format of the programme service: “c) protecting (...) the culture and languages of national minorities”. We can conclude that through this document a guarantee for the compliance with the provisions of Subparagraph d is offered.

We consider that an analysis of the content of the broadcasted audiovisual productions and their relevance for the targeted audience and for the linguistic protection of regional and minority languages is necessary.

As regards to the content of radio programmes, mostly the programmes broadcasted by public radio stations represent own productions. These are journalistic materials ranging from news bulletins to informative, educative and entertainment materials. Among the types rarely encountered in the program schedule, especially in own productions, can be found the radio theatre. Radio Cluj recorded and broadcasted in 2008 a Hungarian radio theatre play.

The programme package for ethnic minorities of the Romanian Radio Broadcasting Society includes radio materials through which SRR has the intention (according to the activity report) to cultivate the language and cultural values of national minorities, their traditions and customs, and to present the life and the preoccupations of ethnic communities that are part of the Romanian society. The programmes produced in Bucharest are created by specialized editorial teams, the editorial team of the Hungarian and German programmes is

located in the SRR's headquarters, which produces Hungarian and German programmes which are afterwards adopted by the Târgu-Mureş, Cluj and Timișoara regional radio stations. The editorial team of Hungarian and German programmes weekly creates 380 minutes of Hungarian programmes and 370 minutes of German programmes. Programmes in national minority languages are also produced and broadcasted by Cluj, Constanța, Iasi, Resita, Târgu-Mureş and Timișoara regional radio stations. In producing these programmes, the editors consult with representatives and minority organizations. There are also collaborations with public stations from Hungary, Slovakia, Serbia, Croatia and Slovenia for the common producing of some programmes.

The commercial radio stations broadcast music, interactive programmes and are in general popular among the public. Depending on the type and coverage of the station these are obliged to broadcast⁴ own productions containing local interest information.

In the realization of the Hungarian programmes an important role is played by the *Erdély FM* activity which consists mainly of the creation of public interest programmes for Hungarian commercial radio stations. These programmes are adopted and broadcasted by private owned station with local coverage from different areas of the country – especially in Mureş, Harghita, Covasna, Cluj, and Hunedoara counties – ensuring a wide spread geographical distribution of these programmes whose content targets especially the educated public.

As regards to the types of audiovisual material broadcasted by the Romanian Television in minority languages, these are determined in a large degree by broadcast times and broadcasting frequencies:

- The structure of Hungarian programmes: informative bulletin broadcasted weekly, (10%); publishing/*infotainment*- reportage, *talk-show*, discussions with a moderator (30%); art and culture – documentaries, interviews, religion (25%); entertainment – music, dance, humour, skits, shows (25%); science and education – documentaries, interviews, discussions (10%).
- German programmes include: reportages, documentaries, interviews, entertainment, etc.
- The structures of other minority languages programmes: informative bulletin – weekly events reviews (10%); publishing/*infotainment* – documentaries (35%); art and culture – documentaries, interviews (20%); entertainment – music and traditional dances (10%); education – school, interviews (10%); religion – (10%).

The Hungarian magazine programme on TVR includes also a brief section dedicated to the correct speaking of the language. In addition to standard broadcasts, on holidays there are special programmes which in the case of live broadcasting imply supplementary broadcasting times.

⁴ Through the Decision of the National Audiovisual Council no. 403/30th of June 2005, <http://www.cna.ro/Decizia-nr-403-din-30-iunie-2005.html> (accessed on 11.08.2009)

There are independent TV production studios at professional standards only in Hungarian. According to the TVR representatives, thanks to some partnerships, TVR obtained the right to broadcast TV materials produced in these studios, especially documentaries movies. In return, TVR has the possibility to offer to these producer materials from its own archive, which contains programmes produced since 1969.

According to the mentions in the activity report, TVR reserved a broadcasting time for weekly broadcasting on TVR3 channel of an artistic movie produced in states from which national minorities come, with Romanian subtitles. The minority languages programmes usually do not include public interaction components. The only ways through which editorial teams receive *feedback* from the public are letters (and in some cases *e-mails*, phone calls and SMS). In this way are known only partially the opinions of the existing audience while opinions of those who are part of the targeted group of these programmes but do not watch them remain unknown. TVR signed or will sign collaboration agreements (exchange of programmes, artistic movies, documentaries, reportages etc.) with public televisions from Albania, Bulgaria, Czech Republic, Croatia, Germany, Greece, Israel, Macedonia, Russia, Serbia, Slovakia, Turkey, Ukraine and Hungary.

As regards to the minority's TV programmes audience, this is a low one, the inclusion of minority's programmes in the program schedule of TVR is justified by the public mission of SRTV not by the public interest. The programmes broadcasted by TVR1 and 2 reach up to 80% of the channels' medium audiences. The audience of these programmes is generally the audience of public broadcasters – over 40 years, men and women alike, medium education. There are no special studies regarding the needs of minority languages' users related to the mass media programmes types – format, themes of interest, duration, broadcasting hours, etc.

For all these programmes there is a small number of viewers who do not use the respective minority languages, for whom the viewing is facilitated by Romanian subtitles. This public is somehow composed by those who are interested about national minorities' specific themes or the languages spoken by these minorities. Another part of this public is represented by passive receptors – especially the rural population which does not have access to a large variety of TV channels.

Paragraph 1, Subparagraph e.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;</i>										

Part of the communities that represent national minorities have publication in their language (some with bi-lingual content) published by organizations of the respective minorities. A list of these publications is presented in Annex no. 3. These usually are weekly, monthly or even quarterly magazines and cover subjects related to the minorities' culture, customs and language. Some of the organizations' of small minorities publish separately an extra literal publication in their mother tongue. These publications are usually financed by funds which the minorities' organizations receive from the Department for Inter-ethnic Relations. Published in small scale, from a few hundred to 1,500 copies, these magazines are generally distributed free of charge to communities through worship places, mother tongue schools, town halls and branches of minority's organizations.

One can talk about written press published on a regular basis – daily or weakly – only in the cases of Hungarian and German.

In Hungarian are published and distributed at national level the newspapers *Romániai Magyar Szó* (published in București) and the daily *Krónika* (published in Cluj-Napoca). County's dailies: *Szabadság* – Cluj, *Nepújság* – Târgu-Mureș, *Hargita Nepe* – Miercurea Ciuc, *Háromszék* – Sfântu Gheorghe, *Friss Újság* – Satu Mare, *Bihari Napló* – Oradea, *Nyugati Jelen* – Arad (for Arad, Timiș and Hunedoara counties). To these are added the weeklies: *Brassói Lapok* – Brașov, *Erdélyi Napló* – Cluj, *Erdélyi Riport* – Oradea and *Új Szó* – Timișoara. The circulation of these publications is in general around 6,000 copies.

The press in minority languages, as in the case of the audiovisual field, does not operate on the basis of market principles except in the case of some publications from the Szeklers, where these do not actually have the statute of minority press. Except this area, incomes from advertising are very low and financial support for publishing is necessary. From the number of publications in Hungarian point of view, the situation is satisfactory for ethnic representatives, problems have been identified in relation to quality. The consulted mass media experts noticed as a Hungarian pres characteristic its vulnerability toward political influences.

A specific aspect for the Romanian press which is valid also in the case of Hungarian publications is the overlapping on the same geographical area of more publications from the same category. For example there are areas, like Harghita county, where are published more county dailies. This situation is not usually encountered in other European countries where there is no such competition at local level, but are present different categories: city, county and regional newspapers. Hungarian press specialist consider that this local competition does not constitute an advantage but rather it is diminishing the impact and is decreasing the economic power.

In German is published in Bucharest *Allgemeine Deutsche Zeitung* (five weekly editions), with national distribution and the weeklies *Hermannstädter Zeitung* – Sibiu, *Banater Zeitung* – Timișoara, *Karpaten Rundschau* – Brașov. These publications have a circulation of 2,000-3,000 copies and are financed mainly with funds from the Department for Inter-ethnic Relations and other grants contracted by German organizations. In the case of German there is a larger

number of users of the language than the number of minority members, the audience is composed also by those for which German is not their mother tongue. From an editorial point of view, these publications have as an objective to serve especially German ethnics with informative and formative materials related to the community reality.

Paragraph 1, Subparagraph f.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>f.i. to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media;</i>										

This subparagraph is implemented through point i., exclusively for Hungarian and German. According to Art. 10 of the Law 282/2007, provisions of Art. 11, Paragraph 1, subparagraph (f) (i) of the Charter will be implemented according to the provisions of Law no. 41/1994 regarding the organization and functioning of Romanian Radio Broadcast Society and the Romanian Television Society republished with later alterations.

Due to the law's specifications, these provisions apply in relation to the radio and television public services.

The Romanian Television Society includes in its central studio, two divisions dedicated to German and Hungarian programmes.

Paragraph 1, Subparagraph g.

	Bulgarian	Czech	Croat	German	Hungarian	Russian	Serbian	Slovak	Turkish	Ukrainian
<i>g. to support the training of journalists and other staff for media using regional or minority languages.</i>										

Through Subparagraph g. Romanian authorities undertake for all the 10 minority languages mentioned in Part III of the Charter to support the training of journalists and other staff for media which produce content in regional or minority languages.

It is relevant to mention here the current situation of journalists who produce press materials in minority languages. As we found from the TVR

representatives, a small number of producers of the minority languages programmes are employed by SRTV. This is due both to the fact that the acceptance of the personnel scheme is made at central level and to the small number of users of some languages. There is a huge difference between the situation of minority languages programmes which were present in the TVR program schedule before 2008, where there are trained employees with working experience, and that of newly introduced programmes with the creation of TVR3. In these cases the programmes are realized by collaborators which are not trained in audiovisual press. So, if we talk about the need for training of human resources from the editorial team, two aspects must be kept in view: the professional developing in the journalistic field and a very good mastering of the respective language.

Next to redactors, especially in audiovisual, a special training is necessary also for a part of the technical personnel (e.g. editors, cameramen), and for translators in the case of programmes broadcasted by TVR, where it is mandatory to subtitle these programmes. From the data we have obtained, only the editorial teams for the Hungarian and German programmes have users of the respective languages in the technical team, in the case of the other minority languages the support personnel does not speak the language of the programme.

At this level a significant contribution is made by organizations of national minorities, which in most cases have made possible the participation of some members of the ethnic minority at journalism courses but also at languages courses in the country in which the respective language is the official language.

A problem stressed out by the representative of the Ukrainian community, language that is spoken in diverse dialects in different areas of the country, is that of the dialect used in audiovisual programmes. Radio stations and television channels employ users of minority languages to produce these programmes, but do not have competences to verify their level of language knowledge and quality of speech. This is the reason why minority's organizations try to raise awareness on the necessity of collaboration between media and philology departments in which these languages are studied at university level. Some of these languages are subject of university studies within faculties of letters, in these cases, the education curricula includes also press writing and media courses.

Associative structures of journalists which are users of a minority language exist only for the Hungarian language press, Romanian Union of Hungarian Journalists (Uniunea Jurnaliștilor Maghiari din România) and recently an association of Romani journalists. In these organizations are discussed aspects related to deontology, priority themes of communities and sometimes are organized courses for journalists.

At university level (undergraduate) financed by the state, Babes-Bolyai University has within the Faculty of Political, Administrative and Communication Sciences a Journalism Department with training in German (9 places) and Hungarian (12 places).

There are also special places for minorities at the Journalism Faculties of some public universities, but in these cases the training is realized in Romanian. For example Andrei Saguna University from Constanta allocates a place at the Journalism Faculty for students from the Turkish ethnic group. More universities allocate supplementary places for Roma students.

Among the objectives for 2009, the Romanian Television included also the realization of professional training courses for the collaborators which produce the new programmes in minority's languages on TVR3.

Non-governmental organizations, especially the Centre for Independent Journalism offers a variety of courses and professional trainings programs for journalists, although at present does not have any active courses especially for journalists which write in minority's languages. Specialists from media organizations consider that the real difficulty is not of training journalists in a certain language, but to train them to be good journalists compared to media standards in general. The stake is the increase of the journalistic product, regardless of language.

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

Paragraph 2 of Article 11 of the Charter is undertaken equally for all languages included in Part III. As regards to implementing this paragraph we can state that in Romania there are no restrictions related to the direct reception of audiovisual programmes or the circulation of written press materials in regional or minority languages.

As stated in Law no. 504/2002 – *Audiovisual Law*, Art. 82, paragraph (4), *in localities in which a national minority represents more than 20 % of the population, distributors will ensure transmissions of programmes that are free for re-transmitting in the respective minority language.* The same law sets the conditions for re-transmitting radio and television programmes broadcasted on other countries territory, which on principle can be realized on the basis of obtaining a previous authorization from the National Audiovisual Council. The re-

transmission of programmes from other countries of the European Union (which do not abide some restriction in the country of origin) and from other states with which Romania has signed an international agreement regarding the freedom of audiovisual re-transmitting is free and does not request a previous authorization.

It is relevant to mention here the fact that in some areas, cable television' operators include in the channel packages offered to their customers also channels from neighbouring countries, facilitation this way the access of the population which speaks these languages from the Romanian territory to TV programmes in the mother tongues of ethnic minorities.

As a case study we requested information regarding the mode of reception and rendering through cable of Hungarian TV channels in the case of Harghita county, which has a Hungarian population of 84.61%:

- At the present time the company offers two transmission types: analogue and digital. In the case of analogue transmission are broadcasted 14 Hungarian channels and 11 with Hungarian audio, out of a total of 57 channels. For digital broadcasting are available three channel packages (*Small, Medium, Large*) depending on the customer's preferences and price. For the Small package the subscriber receives 60 channels. The Medium package contains the channels available in the Small package plus another 48 channels of which 5 are Hungarian channels and 13 are available with Hungarian audio. The basic package contains a single Hungarian channel, Duna Television.
- Also there is available an optional package, especially designed for Hungarian viewers: UPC Pannonia Package which contains 10 channels in Hungarian (Film+, Film +2, Poen, Sorozat+, Reflektor, Cool TV, RTL Klub, Sportklub, Sportklub+, DoQ).
- Hungarian language channels are re-transmitted from Hungary, while the channels with Hungarian audio are international channels.
- There is a local channel, Digital Television, which broadcasts solely programmes in Hungarian.
- The cable operator's policy regarding the broadcasting language in Harghita county is changing according to the ethnic composition. In localities in which the Hungarian population is more than 90%, for example Odorheiu-Secuiesc, the broadcasting language for international channels (*Discovery, Animal Planet* etc) is Hungarian.

Members of minority groups which live in border areas are usually listening and viewing audiovisual programmes from the country of origin. The representative of the Russian-Lipovan community mentions the existence of some difficulties in receiving television programmes in Russian outside the country by cable operators, difficulties which are not related to the right for the programmes broadcast, but to the conditions imposed by the National Audiovisual Council.

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

This paragraph, undertaken for all regional and minority languages in Part III of the Charter, implies ensuring the representation of the users of these languages in the public bodies of media regulation.

Such a body is the National Audiovisual Council (Consiliul Național al Audiovizualului - CNA). CNA is the solely authority for regulation in the audiovisual programmes field, an autonomic public institution which lies under the parliamentary supervision and is managed by a council composed of 11 members. These members are appointed by the Romanian Parliament after nomination by the Senate (3), the Deputies Chamber (3), the Romanian President (2), and the Govern (3) for a six years mandate. Although the law for the regulation of CNA activity (the Audiovisual Law) does not explicitly state the presence of national minority's representatives or users of national minority's languages in the Council, over the years in which this body operated it included at least a member who belonged to a national minority.

As regards the governing of radio and television public services, Law no. 41/1994 regarding the organization and operation of the Romanian Radio Broadcasting Society and the Romanian Television Society, states in Art. 19 that the members of the Administration Councils of the two institutions are designated by the Parliament, the parliamentary minority's groups are entitled to nominate a member for these councils. The same Law states in Art. 35 that in the case in which regional studios also have programmes in national minority's languages, their directing committees will have in their composition representatives of the producers of these programmes.

Internet – media unregulated by the European Charter for Regional or Minority Languages

One of the critics made by the media experts is that the Charter's text does not refer to internet. No doubt, the internet raises a series of problems: it is an unregulated medium, or with very little regulations, the authenticity and correctitude of the *web* information is difficult to verify, etc.

Despite all this, with the increase and diversification of internet use, the number of constant consumers of *online* media is also increasing. The relevance of this medium for facilitating access for users of a regional or minority language to media content – written press, audio and video – cannot be questioned.

The internet's penetration rate in Romania reached in March 2009 33,4% of the total population, 7,430,000 users, according to Internet *World Stats*⁵ data. The growth rate of internet use for the 2000-2008 period is over 800%, one of the highest in Europe.

The internet offers the possibility to de-localize access to content; a *website* is – except in the case of technical restrictions or censorship – accessible from any place in the world. This fact has for the delivery of media content in regional or minority languages on one side the advantage of making possible the access of publications from neighbouring countries which use these languages, and on the other a disadvantage related to the relevance of the information for the local community

The costs for developing *online* publications or media channels are lower compared to the traditional media.

Considering these aspects, the encouragement of *online* publications – informative portals or *online* editions of written publications, *online* radio stations and TV channels or *websites* that allow users to view *online* TV programmes should be a component of the strategies through which a state undertakes to offer protection and support for regional and minority languages.

As regards to the current use of the internet for offering or facilitating in Romania the access to media content in regional or minority languages, we can say that an increasing awareness of the potential of this medium exists at the level of private initiatives.

Almost all the commercial radio station in Hungarian can be listened online. The media portal in Hungarian, Transindex – www.transindex.ro – has traffic of around 12,000 daily unique visitors, almost double compared to the circulation of all daily newspapers in Hungarian.

A part of the small communities, especially those which are not physically grouped in the same area have noticed the necessity for users of these languages to have access to media products in mother tongue – especially if these are few/ short broadcasting times and broadcasted at hours unfavourable to active population – have developed *webpages* on which they archive all the media content in the respective language – from magazines articles, to radio and TV programmes.

⁵ <http://www.internetworldstats.com/stats9.htm#eu>, (accessed on 16.08.2009)

CONCLUSIONS AND RECOMMENDATIONS

1. General considerations

For the implementation of the European Charter for Regional or Minority Languages, Romania issued other normative acts than those already promulgated. At the time of the elaboration of the Law 282/2007 the Charter's were undertaken in such a way that their implementation to be ensured by legislation already passed. Through the ratification of the Charter, Romania ensures the protection of linguistic rights through an European instrument which is far steadier than the national legislation, which has political vulnerabilities, offering in fact a double protection.

The benefits of the Charter ratification are differentiated according to languages. Languages with a large number of users benefit thanks to the implementation and monitoring mechanisms of the Charter, of improvements like the development within different ministries of statistical tools, forms, an increased attention regarding the implementation of the rights guaranteed by law. In the case of small minorities there are numerous cases in which members of the communities do not commonly use the mother tongue and a part of the linguistic rights guaranteed by the Charter remain untapped.

At this level the consulted specialists formulate their first critique towards the Romanian authorities, that the Charter's adoption was not followed by a public informative and promotion campaign of the provisions of this document, both in order to make aware the communities members regarding their linguistic rights, and the public institutions responsible for ensuring the implementation of the Charter's provisions to be better prepared.

The second part of the Charter defines general principles for linguistic protection, which the ratifying country undertakes to respect for the ensemble of regional and minority languages. The third part of the Charter, applicable to a number of 10 languages, extends and particularizes these rights. There are requests from the Tatar community to modify the classification of their language from the second part to the third.

2. Observations regarding the implementation of the Charter's provisions in the media field

Generally it is agreed that from all the Charter's chapters, media poses the fewest implementation problems. Based on the analysis presented above we can state that Romania respects the provisions undertaken regarding the protection of regional and minority languages in media.

There is a series of aspects which can be optimised or the current situation of which does not confirm a complete undertaking of the Charter

An aspect brought into discussion by minority representatives is that the Charter provisions have a general character and do not offer indicators for its implementation – number of stations, broadcasting times, broadcasting hours, type of content. For example, in the case of the Hungarian minority, which represents 6.7 % of the country's population, the broadcasting time allocated by public televisions' for programmes in Hungarian is around 4% of the total broadcasting time.

At the level of publications number and audiovisual programmes, the situation of media in minority languages is good. For almost all the languages included in the Charter, both written press and audiovisual productions exists. If in general the circulation of magazines seems to be satisfactory in rapport with the demand, in the case of radio and television programmes addressed to small minorities, the broadcasting time of 5-20 minutes per month are not enough to ensure the conditions for language protection.

The most substantial critique brought to the protection offered by the Charter's provisions is related to the quality and relevance of press in minority languages.

Media in minority languages is not functioning – with a few exceptions regarding publications in the areas in which the Hungarian minority represents the majority of the population – according to market principles. This is a situation that is characteristic for the press in minority languages in almost all the countries that signed the Charter.

The incomes from advertising are very low, financial support is necessary for the publishing of the publications. This fact imposes a conscious undertaking by the state authorities of the role of co-finance of this press segment. In Romania a large majority of the written press has financial support from the national minority organizations or the Department for Inter-ethnic Relations. The audiovisual field is supported through radio and television public services. In the case of private media among the financing sources can be found also public funds' from the mother country of the respective minority and business people from the community, etc. In reality this financial dependency generates both instability – in some cases the publication regularity cannot be respected – and vulnerability to political influences or economic interests. The media "watch dog" role is not present in this press segment or is very weak.

In the case of press in Hungarian, the only minority language with a press developed in the direction of a larger offer in each market segment – more daily and weekly publications, more radio stations – the situation has a different nuance. At the level of the editorial agenda is felt an influence of political nature, in direct correlation with the shareholding structure and the financing sources, with opposed voices in different media vehicles, but subsumed to the political directions from inside the Hungarian community.

An aspect specific for the Romanian press, and which perpetuates also in the case of publications in Hungarian is the overlapping in the same geographical area more publications from the same category. For example, there are areas, like Harghita county, where are published more county newspapers. This situation does not occur in general in other European countries where there is no such competition on local level, but there are different levels: city, county and regional newspapers. Hungarian press specialists consider that this competition at local level does not bring advantages, but on the contrary, is diminishing the impact and decreases the economic power.

The reduced number of users of a language is another determining factor for a press that cannot operate based on market principles. The circulation of publication and the audience of radio and TV programmes for minorities are low. The circulation of publications varies from a few hundreds and 1,500 for magazines published by minority's organizations to approx. 2,000-6,000 for publications in Hungarian. Programmes in minority languages broadcasted by TVR1 and 2 reach up to 80% of the channels' medium audiences. The audience of these programmes is in general the audience of public broadcasters – over 40 years, men and women alike, with medium education. The inclusion of programmes for minorities in TVR's program schedule is justified by its public mission and not by the level of interest of the public.

Considering that the main objective of the Charter is to ensure the protection and the development of regional and minority languages, probably the most relevant aspect of critique is to the content of press production in these languages and of the level of correlation of this content with the social reality of users. A language cannot survive without its users, and the cultivation of using a language at a user cannot neglect his interests and needs. From this point of view the current situation of the media in minority languages in Romania is not a happy one.

The causes of this low content relevance of the media for the users of minority languages are multiple. First of all, we mention the poor quality of the productions due to the lack of journalistic training of the larger part of the editorial teams. Again, except the press in Hungarian, where we can certainly speak about professional performances. The quality level is influenced also by the generally low standards in the Romanian media field. Secondly, in order to deliver to a media consumer relevant information, the editorial agenda must be established in strong connection with events of the community's agenda in which he lives. From this point of view, the fact that editing is done generally in central or regional locations, and this is problematic. The public radio and television have collaborative correspondents in some localities across the country, but the size of budgets, do not allow a high degree of mobility for the editorial teams. Thirdly, in the case of radio and TV productions (except those in Hungarian) are present another three factors which determine the type of media content – broadcasting time, regularity and hours. In the case of weekly, twice a month or monthly low broadcasting times, the variety of journalistic types that can be used is considerably diminished – are not available news bulletins, live transmissions, etc. Due to unfavourable broadcasting hours – established based on criteria of low audience – the active population represents only a small proportion of these

programmes' audience. Their subjects remain general, usually related to culture, traditions, cultural and religious events, and in a small degree related to informing and economic, political and social analysis. When we speak about the low relevance of the minority languages media we have to keep in mind also that the production budgets are small, and the fact that for some languages the broadcasters do not have their own employees with a good knowledge of the language, and work with volunteers or collaborators which do not necessarily have a proper command of the language and they also lack training related to the needs and interests of the audience, and the limited methods of consulting with the public used by producers.

3. Recommendations

- ✚ Due to the limited competence of members of national minority organizations regarding media, for drafting the policies for these regional or minority languages on the Media chapter, a possible solutions would be **the development of a think-tank of media experts** – public and private – with publishing/distribution in minority languages;
- ✚ **Audience studies and research** regarding the needs of the users of minority languages should be carried out;
- ✚ **The possible measures that can be implemented in order to improve media should be treated differently.** In the case of Hungarian a major concern should be the encouragement of diverse mechanism that contribute to the increase diversity of opinions presented by media – public debates, common initiatives of Hungarian language journalists to draft best practices codes. In the case of small minorities a main aspect is to generate the need for media usage – for example in the Romani ethnic group the number of language users and press consumers is very reduced compared to the group's size – significant for language conservation. In the case of other minority languages, the optimisation must be realized first of all at the levels of accessibility and relevance, and in order to do this the orientation towards the opportunities of new technologies is essential. The solution in this case is the implementation of local radio (FM) stations/programmes and the use of internet;
- ✚ **An evaluation of the quality of regional or minority languages used in press should be carried out** (similar to the monitoring of Romanian made by CNA);
- ✚ **The inclusion of the internet as a media mean to improve the linguistic protection** of regional and minority languages;
- ✚ **Issuing more radio licenses on FM frequency for local and regional radio stations in minority languages** – as a measure for increasing the access of users of these languages to programmes in mother tongue (increasing the territorial coverage) and improving the quality and

relevance of media products offered to users (the local information poses interest for media);

- ✚ **Encouraging public broadcaster which broadcast in national minority languages to create an *online* archive of the programmes**, for making these contents available to public categories which cannot listen these programmes at their broadcasting hours;
- ✚ In prospective, among the solutions for optimising the protection of minority languages through media, minorities' representatives that we consulted recommend **the creation of a TV channel dedicated to programmes in national minority languages**, which will allow broadcasting of daily news bulletins in more languages, and of other materials of interest for native users; due to the fact that this kind of channel would only be possible to transmit via satellite (covering approximately three quarters of the country's territory), this channel should operate in parallel with maintaining the programmes on TVR1, which is received by almost the entire population
- ✚ At a second level, a useful measure from the authorities is **the creation or the facilitation of creation of a portal in which these programmes (or links to them) can be centralized and archived**. This measure would also contribute to the development of a valuable data base for media in minority languages and for events and themes of ethnic communities in Romania.

The present report analysed the way in which the set of provisions related to media, of the European Charter for Regional and Minority Languages ratified by law by the Romanian Parliament is implemented in Romania. Due to general character of the Charter's provisions on media and the lack of clearly defined indicators, the monitoring analysed aspects which are specific for the field (number of broadcasters, broadcasting time, broadcasting hours, content type, etc.). The report recommends specific measures for the improvement of the Charter's implementation framework, which could led in the future even to an appropriate monitoring of its implementation.

Sources of information used in the study:

References:

Population Census, at <http://www.recensamant.ro/> (accessed on 05.07.2009)

Activity report of Romanian Radio Broadcasting Society - 2008, at <http://www.srr.ro/info/publice/activitate/2008/raport%20de%20activitate%20srr%202008-13aprilie2009.pdf> (accessed on 7.08.2009)

Activity report of Romanian Television Society - 2008, at <http://www.tvr.ro/files/51452.pdf> (accessed on 10.08.2009)

Internet World Stats, at <http://www.internetworldstats.com> (accessed on 16.08.2009)

National minorities publications, Department for Inter-ethnic Relations, at http://www.dri.gov.ro/index.html?page=cultura_publicatii, (accessed on 10.08.2009)

Interviews with:

1. The Romanian Democratic Union of Slovaks and Czechs, Nădlac, Arad county (Uniunea Democrată a Slovacilor și Cehilor din România)
2. The Romanian Community of Lipoven Russians, București (Comunitatea Rușilor Lipoveni din România)
3. The Romanian Ukrainians Union, București (Uniunea Ucrainenilor din România)
4. The Romanian Croats Union, Carașova, Caraș-Severin county (Uniunea Croaților din România)
5. The Romanian Turkish Democratic Union , Constanța, Constanța county (Uniunea Democrată Turcă din România)
6. The Romanian Muslim Tatars Democratic Union , Constanța, Constanța county (Uniunea Democrată a Tătarilor Musulmani din România)
7. The Romanian Germans Democratic Forum, Sibiu, Sibiu county (Forumul Democrat al Germanilor din România)
8. The Banat Bulgarian Union - Romania, Timișoara, Timiș county (Uniunea Bulgarilor din Banat – România)
9. The Romanian Serbs Union, Timișoara, Timiș county (Uniunea Sârbilor din România)
10. TVR Cluj
11. TVR București
12. TVR Timișoara
13. TVR Târgu-Mureș
14. Press Monitoring Agency (Agenția de Monitorizare a Presei)

15. Transindex
16. Erdély FM
17. Divers Association
18. Television cable operator company, Harghita county
19. The Romanian Association of Hungarian Journalists (Asociația Jurnaliștilor Maghiari din România - MÚRE)
20. National Audiovisual Council (Consiliul Național al Audiovizualului - CNA)
21. The Center for Independent Journalism (Centrul pentru Jurnalism Independent - CJI)

Annex no. 1 – Duration of programmes in minority languages on TVR

(Source: *Romanian Television Society activity report - 2008*, at <http://www.tvr.ro/files/51452.pdf>)

1. The timing of programmes in Hungarian (does not include regional studios programmes)

Table with programmes in Hungarian produced by the Hungarian Section

Channel	Name	Broadcasting day	Broadcasting hours	Duration/ effective	Observations
TVR1	Kronika	Monday	15:30 -17:00	90 min./ 75 min.	
		Tuesday	16:00 -17:00	60 min./ 50 min.	
TVR2	Szieszta/ Coffeehouse	Thursday	15:00 -17:00	60 min./ 52 min.	Generic title: "Together in Europe"
TVR3	Programme in Hungarian	Monday - Friday	10:30 -11:25	55 min./ 48 min.	Generic title: "All together"
TVR Cultural	Kultura	Thursday	19:00 -19:30 16:00 -16:30	30 min./ 28 min.	Archive selection
TVR International	Magazine in Hungarian	Monday	14:30 -15:30	60 min./ 55 min. Bimonthly	Selection of programmes from TVR1, TVR2 and TVR3

2. The timing of programmes in German (does not include regional studios programmes)

Table with programmes in German produced by the German Section

Channel	Name	Broadcasting day	Broadcasting hours	Duration/ effective	Observations
TVR1	Akzente	Thursday	15:30 -17:00	90 min./ 75 min.	
TVR2	Programme in German	Tuesday	15:00 -16:00	60 min./ 52 min.	Generic title: "Together in Europe"
TVR3	Programme in German	Monday	10:35 -11:55	40 min./ 34 min.	Generic title: "All together"
TVR Cultural	Programme in German	Friday	16:30 -17:00	30 min./ 28 min.	Archive selection
TVR International	Magazine in German	Monday	14:30 -15:30	60 min./ 55 min. Bimonthly	Selection of programmes from TVR1, TVR2 and TVR3

3. The timing of programmes in minority languages on TVR3 (does not include programmes in Hungarian)

Duration of programmes in national minority languages (other than Hungarian) on TVR3

Monday					Tuesday		Wednesday		Thursday		Friday	
MINORITY			Hours		MINORITY	Hours	MINORITY	Hours	MINORITY	Hours	MINORITY	Hours
ROMA	GERMANS	ROMA	OTHER*	34 min	SERBS	20 min.	RUSSIAN- LIPOVAN	10 min.	UKRAINIANS	20 min.	GERMANS	25 min.
					BULGARIANS	8 min.	TURKS	9 min.	CZECHS	5 min.	SLOVAKS	9 min.
					CROATS	6 min.	TATARS	9 min.	HEBREWS	9 min.		
							GREEKS	6 min				
TOTAL			34 min.		TOTAL	34 min.	TOTAL	34 min.	TOTAL	34 min.	TOTAL	34 min.
TVR TM/ TVR BUC/ TVR CLUJ/ TVR BUC					TVR TIMISOARA		TVR BUCURESTI		TVR CLUJ		TVR CLUJ/ TVR TIMIS	

NOTE: * The programme for other minorities is monthly and is produced in Romanian and reflects the events from the polish, Italian, Armenian, Albanian, Ruthenian, and sometimes, Jewish communities. At the production of this programme can contribute with materials other studios than the one in Bucharest.

Annex no. 2 – Duration of programmes in minority languages on radio, SRR

(Source: Romanian Radio Broadcasting Society activity report - 2008, at

<http://www.srr.ro/info/public/activitate/2008/raport%20de%20activitate%20srr%202008-13aprilie2009.pdf>)

		Radio București	Radio Cluj	Radio Constanța	Radio Iasi	Radio Timișoara	Radio Târgu-Mureș	Radio Resita	Total minutes
Languages included in Part III of the Charter	Bulgarian					30			30
	Czech					30		30	60
	Croat							30	30
	German	370				840	390	30	1630
	Hungarian	380	1980			840	3000	30	6230
	Russian-Lipovan			60					60
	Serbian					840		30	870
	Slovak					60		30	90
	Turkish			60					60
	Ukrainian		15			10	30		30
Languages included in Part II of the Charter	Armenian			60					60
	Aromanian dialect			60					60
	Greek			60					60
	Yiddish				10				10
	Italian					60			60
	Romani				10	30	45	30	115
	Tatar			60					60

Annex no. 3 – Publication of national minorities/ in national minority languages

(Source: DRI, http://www.dri.gov.ro/index.html?page=cultura_publicatii)

Central newspapers

Romániai Magyar Szó – published in Bucharest (in Hungarian)

Krónika – published in Cluj, and is distributed in the entire country (in Hungarian)

Allgemeine Deutsche Zeitung – published in Bucharest (in German)

County newspapers

- in Hungarian:

Szabadság – Cluj

Nepújság – Targu Mures

Hargita Népe – Miercurea Ciuc

Háromszék – Sfântu Gheorghe

Friss Újság – Satu Mare

Bihari Napló – Oradea

Nyugati Jelen – Arad (for Arad, Timiș, and Hunedoara counties)

Political-economic weeklies

- in Hungarian:

Brassói Lapok – Brașov

Erdélyi Napló – Cluj

Erdélyi Riport – Oradea

Új Szó – Timișoara

- in German:

Hermannstädter Zeitung – Sibiu

Banater Zeitung – Timișoara

Karpaten Rundschau – Brașov

Debizz – București

Cultural magazines

- in Hungarian:

Helikon – Cluj (weekly in Hungarian)

A Het – Târgu-Mureș (weekly in Hungarian)

Lato – Târgu-Mureș (monthly literary magazine in Hungarian)

Korunk – Cluj (monthly cultural magazine in Hungarian)

Szekelyfold – Miercurea Ciuc (monthly cultural magazine in Hungarian)

Muvelodes – Cluj (monthly cultural magazine in Hungarian)

Kozoktatas – București (monthly pedagogical magazine)

- in German:

Echo der Vortragsreihe – Resita (monthly cultural magazine)

Der Punkt – monthly magazine for youngsters

Publications produced by national minority organizations

Albanian's friend (Prietenul albanezului) – București, bilingual

Ararat – București, Armenians, in Romanian

Nor Ghiank – București, in Armenian

Nasa Glas – Bulgarians from Banat, political magazine

Literaturna Miseli – Bulgarians from Banat, literal magazine

Hervatska – Carașova, Croatians

Grancica – Carașova, Croatians

Dialogue with the time (Dialog cu timpul) – București, Greeks

Elpis – București, Greeks, bilingual

Jewish reality (Realitatea evreiască) – București, trilingual: Romanian, Yiddish, English

Courier F.D.G. R. – Sibiu (bi-monthly political publication)

Siamo di nuovo insieme – Iasi, Italians

Polonus – Suceava, Polish, bilingual

Clubs ace (Asul de Trefla) – București, the Roma

Romanothan – București, the Roma

Kitej Grad – Iasi, the Russian-Lipovan, bilingual

Zorile – București, the Russian-Lipovan, bilingual

Nasa reci – Timișoara, Serbs

Knijeni jivot – Timișoara, Serbs, literal magazine

"Naje snahy" – Slovaks

"Naje snahy plus " – Slovaks, literal magazine

Karadeniz (Black Sea) – Constanța, Turkish-Muslim Tatars, bilingual

Women world and Cas (Lumea femeilor si Tânărul) – Turkish-Muslim Tatars

Hakses – Constanța, Turks, bilingual

Ukrainian courier – București, Ukrainians, in Romanian

Ukrainski Visnek – București, Ukrainians

Nas Holos – București, Ukrainians

Vilne Slovo – Ukrainians

Tzvonec – Ukrainians

Annex no 4 – The Romanian legal framework for guaranteeing the press in national minority languages

Law no. 41 from 17th of July 1994 (republished, reviewed) on the organization and operation of the Romanian Radio Broadcasting and Television Societies

ART. 4

(1) The Romanian Radio Broadcasting Society and the Romanian Television Society as public service for the accomplishment of the general objectives of informing, education, entertainment are obliged to present in an objective and impartial manner the realities of the social-political and economic life, both national and international, and to ensure the correct information of citizens regarding public affairs, to promote with competence and exigency the values of Romanian language, the authentic cultural, scientific, national and universal creations of national minorities, and also democratic, civic, moral and sportive values, to militate for national unity and the state's independence, for the cultivation of human dignity, truth and justice.

ART. 5

(4) The Romanian Radio Broadcasting Society and the Romanian Television Society must reserve a part of the broadcast time for political parties represented in the Parliament. The space allocated to political parties cannot exceed 1% of the whole weekly broadcast time. The distribution of broadcast time to political parties is realized accordingly to their proportion of their representatives in the Parliament, considering a time unit for each parliamentarian, including the national minority representatives.

ART. 7

(3) From the European programmes broadcasted, at least 30% will be Romanian programmes including programmes specific for national minorities.

ART. 15

The Romanian Radio Broadcasting Society and the Romanian Television Society have as main activity, each according to its profile:

a) the creation of radio and television programmes in Romanian, in national minority languages or other languages with informative, cultural, educative and entertainment purposes;

ART. 19

(1) Members of the Administration Councils of the Romanian Radio Broadcasting Society, respectively of the Romanian Television Society are designated by the vote of the majority of deputies and senators in a common meeting of the two Chambers.

(2) Candidates lists are submitted to the permanent bureaus of the two Chambers as follows:

a) the reunited parliamentary groups of the two Chambers submit nominations for 8 places, according to their political configuration and their percentage in the Parliament;

b) the Romanian President, one place;

c) the Govern, for one place;

d) the employed personnel of each Society nominates through secret vote, nominees for two places, during a scrutiny organized by the management of the respective society;

e) parliamentary groups of national minorities, for one place.

ART. 35

(2) If the local studios also have programmes in national minority languages, the directing committees will contain representatives of the producers of these programmes.

Law no. 504 from 11th of July 2002 – Audiovisual law

CHAP. 2 National Audiovisual Council

ART. 10

(1) the National Audiovisual Council (...) has to ensure:

f) the protection of the Romanian culture and language, of the national minority cultures and languages;

ART. 17

(1) the Council is authorized to:

d) emit for the implementation of the present law, decisions with normative regulation character for the realization of its attribution stated in the present law, and with priority, those regarding the:

- (...) monitoring of the correct use of Romanian and minority languages;

ART. 82

(4) In localities in which a national minority represents over 20% of the population, the broadcasters will provide broadcasting services which are free for retransmission in the respective national minority language.

Decisions of the National Audiovisual Council (based on the Audiovisual Law)

Decision no. 187 from 3rd of April 2006 – regarding The Code for regulation of the audiovisual content

ART. 76

During news programmes and debates featuring public interest subjects regarding ethnic, religious or sexual minorities will be also presented a standpoint of those.

Decision no. 403 from 30th of June 2005 – regarding the approval of the procedure and conditions for issuing the audiovisual authorization decision

Art. 8.

(2) (...) the National Audiovisual Council decides on issuing audiovisual license, taking into consideration the following criteria for evaluating the structure and format of the programmes service:

(...)

c) the protection of Romanian language and culture, of national minority cultures and languages;

LAW no. 3 from 28th of March 1974* Republished – Law on press in Romanian Socialist Republic**

ART. 4

In full compliance with the party and state policy on ensuring a real equality between all the country's citizens, conditions for informing and expressing opinions also through press bodies in mother language are created for the working people of cohabitant nationalities.