



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined twentieth to twenty-second reports  
submitted by Romania under article 9 of the  
Convention, due in 2013<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 4 January 2021]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## Introductory remarks

1. In its 2010 concluding observations, the United Nations Committee on the Elimination of Racial Discrimination (hereinafter “the Committee”) requested Romania to submit its twentieth to twenty-second periodic report in a single document. As a result of the delay in its submission, the present national report covers the period 2010–2018. The statistical data run to the end of December 2018.
2. In accordance with the common guidelines<sup>1</sup>, the report focuses on the developments of the situation in Romania since the last review and on the progress in the implementation of the recommendations from the 2010 concluding observations of the Committee. As the Common Core Document for Romania, lastly updated in 2011, is under review, the present report is divided into two parts:
3. Part I: “General Information”, contains general information on the amendments and development of the domestic normative framework of interest to the present reporting exercise;
4. Part II: “Progress on the implementation of Articles 1 to 7 of the Convention”, addressing also the response to the recommendations contained in the 2010 Committee’s concluding observations.
5. The information selected and compiled by the experts of the Ministry of Foreign Affairs was provided by the various Romanian institutions, as indicated within the sections below. The report was put in public debate before being adopted by the Romanian Government.

## I. General information

6. The constitutional and legislative framework was described in details in the country’s previous national report. Consequently, the present Part will only emphasize the amendments brought to that legislative framework after the period covered by the last reporting exercise.
7. As of 2010, several legislative and institutional changes with impact on the aspects covered by the Convention entered into force, as follows:

(a) During 2011–2014, an extensive legislative reform process was finalized, through the entry into force of new Civil, Civil Procedure, Criminal and respectively Criminal Procedure Codes. In criminal matters, a complex legislative package entered into force (containing, beside the new Criminal and respectively Criminal Procedure Codes, special criminal legislation, criminal procedure and executorial legislation), on February 1 2014. The new Criminal Code penalizes the crime of Inciting to hatred or discrimination (understood as inciting the people, by any means, to hatred or discrimination against a category of persons) and stipulates a punishment by imprisonment from 6 months to 3 years or fine. Moreover, the Code provides under art. 77, let. h), as an aggravating circumstance, the infliction of a criminal offence on grounds of race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, chronic non contagious disease or HIV/ AIDS infection or on any other similar circumstances, considered by the perpetrator as causes of one’s inferiority as compared to other persons. In addition, the rules with respect to the instigator (art. 47) and accomplice (art.48) apply if the circumstances of the case so require. As far as the acts of violence are concerned, these are punished by art. 193 (Battery and other acts of violence), art. 194 (Bodily injury), art. 195 (Death-causing battery or injuries) or art. 206 (Threat) from the Criminal Code, read together with the aggravating circumstance provided under art.77 let. h). In addition, the rules with respect to the instigator (art. 47) and accomplice (art.48) apply if the circumstances of the case so require. At the same time, the acts of torture for a reason based on any form of discrimination are punished by imprisonment of 2 to 7 years and prohibition of exercising certain rights; the crime of misconduct in public office which limits the exercise of one’s rights or puts that person in an inferiority situation on grounds of race, nationality,

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<sup>1</sup> CERD/C/2007/1.

ethnic origin, language, religion, gender, sexual orientation, political affiliation, wealth, age, disability, chronic non contagious disease or HIV/ AIDS infection is punished with imprisonment from 2 to 7 years and prohibition of the right to occupy a public position. It is also worth mentioning that the definitions retained in the new criminal legislation for the crimes of genocide and crimes against humanity follow the universally accepted description of these exceptionally severe crimes;

(b) Law no. 217/2015 extended the scope of GEO no. 31/2002, introducing in the sphere of the interdictions the GEO already proscribed the promotion of legionary movement's doctrine, the establishment of any organizations praising or glorifying this movement. Moreover, the Law defined the Holocaust on the Romanian territory as the systematic persecution and annihilation of Jews and Roma people during 1940–1944, actions that the Romanian State's authorities and institutions supported in the territories they administered. Law no. 187/2012, on the implementation of the Criminal Code, had already modified GEO no. 31/2002, by extending the modalities under which the crimes punished through it could be perpetrated and included the internet environment. In 2018, Law no. 187 on certain measures to prevent and combat anti-Semitism was adopted by Parliament; the legislative forum appreciated that a distinct normative act was necessary in order to strengthen the action for the prevention and combating anti-Semitism, especially in the online environment. However, the adoption of a distinct law should not be regarded as isolating the fight against anti-Semitism from the fight against intolerance, discrimination, racism and xenophobia. The provisions of the law follow the lines of GEO no. 31/2002, as subsequently modified, with a focus on combating anti-Semitism. Thus, the law incriminates the promotion of anti-Semitic ideas, the distribution and dissemination of anti-Semitic materials, as well as the initiation and the creation of an organization with an anti-Semitic character. The legislation was based on the International Holocaust Remembrance Alliance's Working Definition of Antisemitism, adopted by the 31 member States of the International Holocaust Remembrance Alliance, in Bucharest, in May 2016. Romania has been a Member Country of the IHRA since 2004 and held the chairmanship of the organization in 2016;

(c) Law no. 1/2011 on national education repelled Law no. 84/1995; reaffirming the principles expressed in the former law on education, the current piece of legislation develops the exercise for the rights of the persons belonging to the national minorities – the right to preserve, develop and express their ethnical, cultural, linguistic and religious identity; therefore, a whole Section (Section 12) of the above mentioned law is dedicated to education for persons belonging to national minorities, stipulating the right to study in their mother tongue at all levels and forms of education, forms of support for students, proportional representation of the persons belonging to a national minority in educational management structures;

(d) Several legislative amendments brought to GEO no. 137/2000 aimed at clarifying the exception to a discriminatory treatment, by expressly stating that a difference of treatment under one of the ground listed in the normative act does not constitute discrimination if, given the nature of the professional activity or the context within which it takes place, such a characteristic represents a genuine and decisive professional request, if the objective pursued is legitimate and the request is proportional to this objective. Moreover, the amendments eliminated all the references to possible exceptions in the definition of illicit acts manifesting discrimination (selling or renting a housing place, awarding a bank loan or concluding any type of contract, access to theatrical, cinematographic, librarian, museum or expositional services, services offered by stores, hotels, restaurants, bars, other service providers, irrespective of the private or public nature of the property of the said locations, access to public transportation). The new provisions allowed NCCD or the tribunal to order the party found in breach of the non-discrimination legislation to publish the summary of the decision in media. Through one of the amendments, adopted on 26 February 2013, a relative presumption was instituted, for the person who produces facts based on which one may assume that a discrimination act has taken place. Hence, within the procedure in front of the court or in front of NCCD, "the person shall present facts from which it may be presumed that there is a direct or indirect discrimination, and the person against whom the complaint was made has the burden of proof that there has been no breach of the principle of equal treatment. Any means of evidence may be brought in front of the court, in compliance with

the constitutional regime of the fundamental rights, including audio and video recordings or statistical data”;

(e) According to Law no. 9/2018, modifying the Law no. 35/1997 regarding the organization and functioning of the Ombudsman’s Institution, the Ombudsman is a national institution for the promotion and protection of human rights, as established by the United Nations General Assembly Resolution (UN) 48/134 of 20 December 1993, adopting the Paris Principles. By the aforementioned law, a new field of activity was also established, namely the Child’s Ombudsman, coordinated by an Ombudsman’s Deputy. The Child’s Advocate works to promote and protect the rights of children under the age of 18, supports and encourages the observance and promotion of children’s rights. It can also make applications for summons or criminal complaints and can represent the child concerned before a domestic court when she has been a victim of physical or psychological violence from parents, legal guardian or legal representative, abuse, violence and sexual exploitation, exploitation through labour, trafficking in human beings, neglect and exploitation, as well as any form of violence against the child, provided and sanctioned by the domestic and international legislation to which Romania is a party. Moreover, as of 2014, the National Preventive Mechanism, an Ombudsman’s department for the prevention of torture and other cruel, inhuman or degrading punishment or treatment in places of detention was set up, in accordance with the Optional Protocol, adopted in New York on 18 December 2002, to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984;

(f) Legislation in the field of unemployment insurance and employment stimulation has been amended and supplemented several times during the reference period, in order to make it more flexible to grant active measures and increase their attractiveness for employers and jobseekers. The amendments also aimed at improving the procedure for granting unemployment benefits, by clearly and completely defining all categories of unemployed persons who can be insured in the Unemployment Insurance System, both compulsory and optional, as well as improving services for people looking for a job;

(g) GEO no. 18/2017 on community health nursing represents an important milestone within the efforts to ensure access to basic integrated healthcare and community services for disadvantaged people, including persons belonging to Roma minority; besides regulating, in a law level act, the activity of community medical assistance (through community medical nurses, sanitary mediators and midwives) along with basic social services (through social workers), it also introduces the concept of integrated community centres. Integrated community centres are financeable through Regional Operational Programme 2014–2020 complementarily to the project concerning integrated community services financeable through Human Capital Operational Programme 2014–2020;

(h) Although not in the direct line of action in the fight against racial discrimination, but playing an essential role in combatting discriminatory treatment that can include a racial component, are worth noting the creation of the National Agency for Equal Opportunities between women and men (NAEO) and that of the Council for Monitoring. Thus, the legal framework on equal opportunities and equal treatment between women and men, as introduced in the country’s previous report, was improved through Laws nos. 229/2015, 178/2018 and 232/2018; the principles of legality, respect for human dignity, cooperation and partnership between public authorities and NGOs, as well as those of transparency and of transversal actions are expressly asserted. The administrative structure for the implementation of the said law was amended and NAEO was created in 2015; subsequent amendments aimed at further structuring the administrative framework, as a National Commission for Equal Opportunities between women and men and corresponding departmental ones were also established, in order to ensure that all administrative public authorities, at the central and also at the departmental level, are involved in evaluating, through data collecting and analysis, of the situation of women and men in different areas of activity. Law no. 8/2016 establishing mechanisms provided by the UN Convention on the Rights of Persons with Disabilities enabled the creation of the National Monitoring Council. The Council, an autonomous administrative authority, is mandated to monitor, through scheduled or announced visits, public or private residential facilities, as well as psychiatric hospital units, in order to examine the respect of the rights of persons with disabilities residing or

hospitalized in these public or private residential facilities or psychiatric hospital units and to make recommendations regarding the observance of these rights. The Council is also empowered to verify the legality of a person's presence in a residential facility or a psychiatric unit, to receive and to verify the decease notifications the above mentions facilities and units are obliged to transmit upon death of a resident or patient, facilitate the participation of the civil society, in particular or the persons with disabilities and the NGOs representing them in the monitoring process, as well as the access of NGOs representatives in these facilities and units. The whole activity of the Council is governed by the principles of legality, respect for individual dignity, non-discrimination, equal chances as well as impartiality and objectivity of its personnel.

8. In 2015, the Government approved the National Strategy for social inclusion and poverty reduction 2015–2020,<sup>2</sup> following a Background Study<sup>3</sup> elaborated with the support of IBRD and WB, in partnership with MoLSJ. The current strategic document builds on previous efforts for social inclusion, namely the Anti-Poverty National Program and for the promotion of social inclusion. The Strategy established nine key interventions (defined as a package of measures and initiatives designed to combat one cause of those that create or maintain poverty): employment, social transfers, social services, education, health, housing, social participation, area-based policies and strengthening capacity to promote poverty reduction and social inclusion; nine components of these key interventions were considered flagship initiatives for 2015–2017. A first synthetic report assessing the progress towards the implementation of the measures of the Strategy analyses a selection of data collected to extract overview findings regarding the situation and progress at the sectoral level:

- Both activity and employment rates have increased since 2015, reaching 67.8% and 64.8% respectively in 2018;
- In social services' sector, the development of an instrument to identify poor villages and marginalized rural communities (the Atlas of Rural Marginalized Areas and of Local Human Development in Romania, WB, 2016);
- Efforts to improve health equity and financial protection can be observed during the analysed period. The number of persons per family doctor/GP has increased from 1,607 in 2015 to 1,619 persons in 2018;
- In the area-based policies, the Strategy's general objectives are focused on reducing the disparities by area of residence or region and on increasing the quality of life in rural and small urban areas.

9. The National Strategy for Employment 2014 – 2020 was based on an integrated vision on the relevant policies, from the perspective of both demand development and supply management on the labour market. The measures envisaged for the implementation of the Strategy for the period 2014 – 2020 were gathered around 4 specific objectives: increasing the employment for young people and extending the active life of the elderly; improving the occupational structure and participation in the labour market among women and people belonging to vulnerable groups; development of high qualified human resource with competencies adapted to the labour market's requests, and improving the mechanism for substantiating, implementing, monitoring and review of policies impacting the labour market.

10. The 2014–2020 National Health Strategy aims at increasing access to health care services for all, particularly for the vulnerable and disadvantaged ones; the document is patient-centred and strives for a more efficient allocation of financial resources through management decentralization and transfer of competencies towards the local communities, but also through awareness raising within the population as to the illnesses' main determining factors and the importance of adopting healthy behaviours. Specific objectives of the strategy are aiming at improving the situation in areas like health and nutrition status of mothers and children, safe pregnancy, reduction of mortality and morbidity caused by the main infectious diseases (e.g. diseases that can be prevented through vaccination, TB, HIV, hepatitis), blood

<sup>2</sup> Available online at [http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN\\_web.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN_web.pdf).

<sup>3</sup> Available online at [http://www.mmuncii.ro/j33/images/Documente/Familie/2016/SF\\_BancaMondiala\\_EN\\_web.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2016/SF_BancaMondiala_EN_web.pdf).

safety, improving health promotion interventions aiming at main causes of disease, prevention of most frequent cancers, mental health, environmental health, access to treatment of rare diseases, provision of transplants, improving access to health services at all levels (focusing on community health, primary health care, specialist ambulatory care, integrated emergency services, regionalized hospital services, palliative care).

11. The National Strategy for the protection and promotion of Children's Rights aimed at ensuring children's access to quality services, adapted to their specific needs, reducing social disparities between various categories of children, and the number of those belonging to categories currently considered vulnerable (children from poor families, children from rural areas, Roma children, children with disabilities, children victims of violence, etc.), encouraging children's participation in decision-making. The Strategy also rose the minimum age for institutionalization of children and laid the groundwork for the closing of old type residential institutions. The strategy shifted the emphasis from passive assistance to building individual social protection measures around family protection and individual responsibility to focus on the child and family, inclusively by increasing coverage of services at the local level, for an early identification of vulnerable children and a quick intervention. The changes brought by the implementation of the strategy aimed at coordinating the social measures with those in other fields responsible for children's rights, especially education and health.

12. The National Strategy for Prevention of Early School Leaving 2015–2020 was adopted as part of the MoNE efforts to reduce school drop-out and early school leaving and consequently, to reach both the national targets as well as those of Europe 2020 Strategy; the Strategy ensures the coordination of all national policies and combines a series of prevention, intervention and compensation measures, focused on school and student-level interventions. It rests on four strategic pillars:

- Fostering access to education and the provision of quality education to all children by developing and consolidating the early childhood education and care system;
- Ensuring that all children complete compulsory education with the support of early warning and intervention mechanisms;
- The reintegration in the educational system of the early school leavers by means of specially tailored programmes (Second Chance programmes);
- The development and the provision of adequate institutional support.

13. In 2014, the 2012–2014 Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority was revised and a new strategic document for the period 2015–2020 was adopted. The new document<sup>4</sup> seeks an active involvement of local and central public authorities, as well as the active participation of Roma civil society in the activities aimed at increasing the socio-economic inclusion.

## **II. Progress on the implementation of Articles 1 to 7 of the Convention**

14. The section that follows present the evolution, in terms of legislative amendment, administrative practice and institutional design, as well as domestic case-law, registered in the period under reference in the implementation of the Convention, with an emphasize on the impact, in practice, of the measures already adopted and announced in the previous report, as requested by the Committee in its concluding observations adopted at its 2024th meeting (CERD/C/SR.2042), held on 23 August 2010. Moreover, the sub-sections also contain targeted responses to the specific concluding observations and comments indicated by the Committee in the above mentioned document.

15. As a general preliminary remark, as concerns the implementation of the Durban Declaration and Programme of Action, Romania regards its commitment to combating

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<sup>4</sup> Presented in greater detail in the periodic report on the implementation of ICCPR, paras. 36–40, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en).

racism, antisemitism and xenophobia as a permanent one, as reflected in the measures and projects described in part I and below. However, it considers that the reporting obligation under ICERD relates to the Convention itself. Still, relevant parts of frameworks and resolutions are of course taken into account when implementing the substantive provisions of ICERD.

## **A. Aspects pertaining to the general implementation of the Convention and the scope of the Convention (article 1)**

### **1. Data-collection methods as concerns Census (para. 8 of the Concluding Observations)**

16. In 2011, the Population and Housing Census (hereinafter “2011 PHC”) took place in Romania. While general usual population registered a decrease with 7.2% in 2011 compared to 2002, three ethnic groups recorded an increase of their number: Macedonians (81.9%), Roma (16.2%) and Csangas (21.3%). Each individual participating had the possibility to assume each particular sub-group he/she belonged to, to adequately reflect the existing diversity within the group. A nation-wide campaign in Roma communities contributed in creating public awareness around the population’s census. As a result, the number of self-declared Roma ethnics slightly increased from 535.140 (2002) to 621.573 (2011).<sup>5</sup>

17. DIR and NAR representatives were members of the Central Commission for 2011 PHC, the body entrusted by Law with organizing and conducting the 2011 PHC. Census takers with the same ethnicity were preferentially selected in areas where several ethnic groups were concentrated, in order to facilitate the comprehensive participation and the free expression of ethnicity.

18. In order to ensure data completeness, statistical method of partial imputation<sup>6</sup> was applied for some variables. This method was not used for the ethnic group, religion, mother tongue, so, for that part of population who refused to give an answer on these variables, these three variables remained with no answer, being aggregated under the category “Information not available”.

19. The next Population and Housing Census is to be conducted in 2021. It is designed as a mixed census, where the CAWI (computer-assisted web interviewing, consisting of online self-completion of data on census forms) and CAPI (computer-assisted personal interviewing) collection methods will be used, preceded by the taking over of data from administrative sources.

20. The way in which the census is organised, namely through the online self-registration component, gives individuals the total freedom to fill in the census forms with the answers they want to give, which eliminates any possible interpretation, action or registration error on the part of another person, namely the census enumerator.

21. The future census is to be accompanied by a transparent and integrated communication and promotion campaign, which will run over a long period of time and whose aim will be to provide all persons, through various channels and a multitude of tools, with the most important information on its purpose of the census, its organization and usefulness. An important part of the campaign targets ethnic groups, through advertisements, posters, radio and TV programmes and other promotion tools in minority languages. Certain elements of the campaign will be prepared in English and in sign language.

### **2. Requested information on bill on national minorities (para. 9 of the Concluding observations)**

22. The draft law is pending on the docket of the Chamber of Deputies, after being examined and rejected by the Senate. The debates and discussions on the draft law were held

<sup>5</sup> Detailed information can be seen on the website [www.recensamanromania.ro](http://www.recensamanromania.ro), Results section, Volume II: Stable (resident) population – ethnic and confessional structure.

<sup>6</sup> Statistical partial imputation – insertion of an artificial but plausible value regarding a certain variable, in an existing individual record from a database, in the case that the record did not contained a value at all or it contained a non-plausible value.

in five parliamentary committees: the Committee for Human Rights, Cults and National Minorities Issues (the body mandated to draft a report on the legislative proposal), the Committee for Legal Affairs, Discipline and Immunities, the Committee for Education, Science, Youth and Sport, the Committee for Equal Chances between women and men and the Committee for Culture, arts, mass-media (the later four bodies being requested to draft an opinion on the proposal). The Chamber of Deputies, in its plenary, decided to resubmit the draft to the Committee for Human Rights for a supplementary report. The Chamber, as the parliamentary decisional chamber in the matter, will consider the approval of the draft law on the status of national minorities, with or without amendments recommended by the Committees.

### **3. Social inclusion and effects of the austerity measures (para. 10 of the Concluding observations)**

23. During 2018 (according to the latest data available from EUROSTAT), the number of people at risk of poverty or social exclusion dropped to 6,360 thousand people from 9,115 thousand people in 2008.

24. The adopted public policies contributed significantly to poverty reduction, e.g. according to data published by Eurostat, the impact of social transfers (excluding pensions) on poverty reduction increased from 14.2% 2016 to 16.1% in 2018 (see Annex 1).

25. During September 2018 – May 2020, an operational system for monitoring and evaluating the implementation of the measures provided for in the National Strategy on social inclusion and poverty reduction 2015–2020 is under implementation (especially those targeting Chapter 2-Social benefits and Chapter 3-Social services) within the project “Increasing of efficiency of the interventions at the level of the Ministry of Labour and Social Justice, as well as of the structures that are in its coordination”.

26. Regarding the strategic actions at the national level for reducing poverty and promoting social inclusion, the most important phases achieved during the reference period include:

- Approval of the Social Assistance Reform Strategy in 2011, which contained a series of key objectives that have acted as guiding principles for the government in the past few years, namely: (i) targeting social benefits to low-income people; (ii) reducing the costs of access for the recipients of social benefits; (iii) reducing system error and fraud; (iv) reducing the number of working age people who are dependent on social assistance; (v) consolidating social assistance benefits; and (vi) increasing capacity for forecasting, strategic planning, and monitoring and evaluation;
- Approval of the National Strategy on Social Inclusion and Poverty Reduction 2015–2020 and of its corresponding Action Plan;
- The adoption of the National Strategy on Active Aging and the Protection of Elderly for 2015–2020, which in 2018 reached the following results:
  - The active employment measures programs supported maintaining 27,750 persons over 55 years of age on the labor market;
  - 23,008 persons over 45 years old and 505 persons who, within 5 years from the date of employment, fulfilled, according to the law, the conditions for applying for partial early retirement or granting the old-age pension, were employed by granting subsidies to employers;
  - 43,388 persons over 55 years benefited from personalized counseling and career guidance or mediation services during period January–December 2018;
  - Starting from 2018, the project “Creation and implementation of integrated community services (SCI) for poverty reduction and social exclusion” with European funds and national budget, in partnership with the Ministry of Health and the Ministry of National Education, is under implementation.

27. Between 2016 and 2018, grants amounting to 55,790,953 lei (approx. 11,623,115 EUR) were granted to non-governmental organizations, associations, foundations and cults that develop social services, benefiting 53,086 beneficiaries belonging to vulnerable groups.

28. In 2018, MoLSJ started the implementation of 2 programs of national interest (to be completed in 2020) to strengthen the capacity of public social assistance services municipality, city, commune who have not developed home care services, community assistance services, through the establishment of 20 home care units, for 1000 elderly beneficiaries and the supporting the salaries for 1,000 social workers.

29. Moreover, MoLSJ developed 4 projects aimed at increasing the infrastructure and the quality of life for the elderly (by developing support services and financing schemes, a methodology of continuous monitoring of the quality of care in institutions providing long-term care services, by increasing the social inclusion of the elderly).

30. In the same time, the legislative framework was improved by approving measures that focused on the regulation, operation and financing of social services such as: developing new minimum quality standards for all types of social services, approving cost standards for social services, the creation of the Social Services Nomenclature, the improvement of the accreditation procedure for social services providers and the licensing procedure, the improvement of the organization and functioning regulations of the public social assistance services, the continuation of the social services financing programs (the grant award scheme for Romanian associations and foundations with legal personality that establish and manage social assistance units, national interest programs, projects with European funds).

31. The vulnerable persons are benefiting from measures and social protection actions without any restriction or preference of race, nationality, ethnic origin, language, religion, social status, opinion, sex or sexual orientation, age, political affiliation, disability, chronic illness or belonging to a disadvantaged category. Therefore, all the social assistance programs are also addressed to the refugees, immigrants and minorities, including Roma population, and can be accessed without discrimination, if the persons fulfill the eligibility conditions required by law.

32. Annex 1 describes all the programs currently implemented in order to reduce the poverty and promote the social inclusion of all vulnerable groups; Annex 2 details the administrative data regarding the number of beneficiaries and the monthly amount paid annually for each social assistance benefit. During 2011–2018 the amounts of the most of the social assistance benefits were reviewed in order to ensure an adequate standard of living for recipients and their families. These changes are visible when we look at the evolution of the amounts of these programs which are described in this document.

33. Recently, in 2018, activation measures for the beneficiaries of the social aid were adopted, in order to strengthen the link with the employment policies, based on the Law no. 192/2018 for amending and completion of the Law no. 416/2001 regarding minimum income guaranteed. The most important provision of the law refers to the entitlement to social aid in the case of those beneficiaries who refuse a job offer or the participation in a vocational training course for employment, qualification/retraining courses etc. Also, the new provisions want to encourage the persons able to work who are entitled to social aid to be involved in seasonal activities. The incomes from occasional work/seasonal activities are not taken into account when establishing the right to social aid can be cumulated to the social aid.

34. The legal framework on asylum, amended in December 2015 and January 2016, provides that:

- During the asylum procedure, the protection seeker has the right to receive access to the labour market under the conditions provided by law for Romanian citizens, after the expiry of a period of 3 months from the date of submission of her application, if no administrative decision has been taken and the delay cannot be imputed to him, as well as during the judicial phase of the asylum procedure;
- Asylum seekers who, when submitting an asylum application, have a right of residence on the territory of Romania and are legally employed, can continue to carry out their lucrative activity;
- The protection seeker who does not have maintenance means, has the right to benefit, upon request, for the entire duration of the asylum procedure, of material reception conditions, which guarantees the subsistence and protects her physical and mental health.

35. Persons who obtain a form of international protection and register in the integration program may benefit, if they do not have their own financial resources, of a non-refundable financial aid for a period of maximum 12 months.

**4. The ratification of international human rights treaties (para. 21 of the Concluding Observations)**

36. Regarding the ratification of the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families, we note that the basic principles expressed in the text are comprised in the existing national legislation which is in line with EU regulations in this area. Romania remains fully committed to the protection of rights of members of all vulnerable groups, including migrants.

**5. Dissemination of the concluding observations**

37. The Concluding Observations from 2014 had been disseminated to the national authorities, and, as indicated in the first part of this report, a large range of institutions contributed to this report.

**B. Competences and effectiveness of the domestic bodies combating discrimination (paras. 11 and 12 of the Concluding observations)**

38. The areas of competence of the three Romanian institutions promoting and protecting human rights and combating discrimination – the Ombudsman, NCCD and the Romanian Institute for Human rights are described in Annex 3. As it transpires from their description, this overlapping of competencies is only apparent, as these institutions have roles and competencies covering the different facets of human rights protection (protection, promotion, monitoring and sanctioning) and complementing each other.

39. As concerns the NCCD and the Ombudsman, their competencies do not overlap, one of them working on special grounds, the other on general grounds. Unlike the Ombudsman, NCCD has jurisdictional administrative attributions, it follows the principles of adversarial and fairness in its procedure and its goal is to issue an administrative legal act liable to the control of courts in the administrative litigation procedure. Thus, the NCCD is qualified to investigate, but in comparison with the Ombudsman, the NCCD can also establish and sanction cases of discrimination. At the same time, the Council elaborates and applies public policies in the field of non-discrimination.

40. RIHR's mandate is focused on the promotion and awareness raising components, without ignoring other aspects, as research or domestic and international cooperation, reporting and information.

41. Following the adoption of Law no. 9/2018 (see point *II.1.5* above), the Ombudsman's Institution initiated the demarches to register for accreditation as a national human rights institution, before the Sub-Committee on Accreditation.

**C. Combatting racial segregation (article 3) within education system (para. 14 let. (b) of the Concluding observations)**

42. As announced in the previous Report, the domestic authorities continued their monitoring in order to prevent segregation and also took preventive steps.

43. MoNE acknowledged the existence of school segregation of Roma children in the education-wide system, especially of the cases of residential segregation, and as a result, constantly directed its efforts to provide support to relevant initiatives, such as: drawing a map of school segregation cases, which originated within the project "School for all" and is now operational in 5 counties, but also to actions of the County School Inspectorates.

44. In order to prevent cases of school segregation in the communities with a Roma majority, MoNE pays particular attention to implementing the integrated set of prevention, intervention and compensation measures, with a special focus on interventions at the level of

the school and pupils, considering the fact that segregation requires interventions at both the central and local levels, but also the involvement of civil society representatives.

45. Thus, during the reporting period MoNE submitted every year in the education network (namely to CSIs) official notices for the prevention of segregation in kindergartens and schools, while preserving the minority languages survey / study of the native language. These notices insisted on the necessity to adequately structure the beginning level groups / classes “ (preparatory, first fifth and ninth grades).

46. In 2016, the reform of the legal framework concerning school inclusion and desegregation was carried out. One of the outcomes was the adoption of the Framework Order no. 6134/2016 on the prohibition of school segregation in pre-university education, amending the previous ministerial regulation in this field.

47. The Order provides for the interdiction of all forms of school segregation, that is segregation based on educational performance, the socio-economic status of families, residence, disabilities, special education needs, besides the ethnical criterion. The order also supplemented the existing legal framework by introducing relevant indicators on quality education and specific and relevant sanctions and stipulates the elaboration and the approval by ministerial order of the Methodology on the monitoring of school segregation for all the criteria mentioned above and of the Methodology for the prevention and intervention in school segregation cases, respectively.

48. The Order no. 6134/2016 set up the National Committee for Desegregation and Educational Inclusion – a specialized structure of MoNE, whose general aim is to prevent school segregation and whose task, among others, is to endorse the two above mentioned methodologies.

49. The Order also strengthens the role of county school inspectorates in preventing and eliminating all forms of school segregation, as well as the role of the Commissions for the prevention and elimination of violence, corruption and discrimination in the school environment and for the promotion of interculturality, which function in each educational establishment. These commissions are laid down in the Framework regulation of the organization and functioning of pre-university educational establishments, and function on a permanent basis since the school year 2016–2017.

50. Affirmative measures implemented on an ongoing basis include: the creation of mixed groups / classes in pre-primary, primary and lower secondary school (the creation of Roma groups/classes/schools on grounds related to the study of Romani language and/or the Roma history and traditions is prohibited); the collaboration with school mediators or other community representative for carrying out school censuses, while encouraging Roma parents to enroll their children in school each year; the reservation of a number of places in all classes, in order to accommodate the late school enrolment of children; the prohibition of enrolling Roma pupils in special education groups/classes and special integrated education schools, by means of abusive and unprofessional diagnosis of Roma pupils as having learning difficulties; the sharing of school premises and facilities by all students, regardless of their ethnicity.

51. From the school year 2017–2018, the methodology concerning the enrolment of children in primary education provides that CSIs may decide upon the reconfiguration of school districts to eliminate the possibility of school segregation based on the place of residence.

52. The authorities continued the implementation of the school mediation program, dedicated to facilitating vulnerable/Roma children in education. In order to ensure the necessary number of such professionals, about 30 to 60 mediators are trained each year by MoNE, through the Teacher Training Houses or in partnership with established NGOs. Currently, there are about 450 school mediators (from whom 75% are of Roma ethnicity) working annually in the educational system, in all counties.

53. Over the last years, MoNE has actively participated in the national strategies on improving the situation of the Roma population and has continued to pay particular attention to extending the best practices established in the PHARE Multiannual Programme – “Access to education for disadvantaged groups” to the education system-wide level.

54. Based on a protocol concluded with UNICEF in June 2018, MoNE will develop a Pilot Methodology Project for monitoring school segregation. During the piloting of the Methodology, the data on school segregation will be uploaded on the electronic platform provided by UNICEF. The methodology will contain both an integrated Framework of indicators for monitoring school segregation, as well as the detailed method of collection, uploading and processing data on school segregation and calculating school segregation risk scores. In addition to these initiatives, schools and CSIs will have the responsibility of analysing all the situations that indicate a low level of Roma children school enrolment compared to the number of school children identified upon the census carried out by the administrative-territorial unit and of establishing a desegregation plan.

**D. Measures against the promotion and incitement to racial discrimination (article 4 of the Convention) and response to recommendations contained in paras. 13 and 17 of the Concluding Observations**

55. The Romanian criminal legislation provides for sanctions against the perpetrators of racism, xenophobic and other related crimes both through the provisions of the Criminal Code, as well as other special legislative provisions (Government Emergency Ordinance no. 31/2002 prohibiting the organizations and symbols with fascist, legionary, racist and xenophobic character and the glorification of those found guilty of genocide, against humanity and war crimes and Law no. 187/2018 on certain measures to prevent and combat anti-Semitism).

56. Thus, article 2 of GEO no. 31/2002, as presently in force, defines an organisation with fascist, legionary, racist or xenophobic character as every group of three or more individuals, acting on temporary or permanent basis, with or without legal personality, with the goal of promoting racist ideas, conceptions or doctrines (...), such as hate and violence on ethnic or racial grounds, the superiority of some races and the inferiority of others, incitement to xenophobia. Political parties, associations and other nongovernmental organizations, commercial entities, as well as any other legal persons are included in this definition. At the same time, the piece of legislation stipulates that creating such an organization, adhering to it or supporting its activity, under any modality, constitutes a crime punishable by imprisonment from 3 to 10 years and accompanied by the ancillary penalty of prohibition of certain rights. Moreover, in accordance with 21 paragraph of article 4 from the abovementioned piece of legislation, distributing or making available to the public, in any manner, through an IT system, of racist or xenophobic materials also constitutes a crime punishable by imprisonment from one to five years. The deed of an individual promoting in public racist or xenophobic ideas, concepts or doctrines is punishable by imprisonment from 3 months to 3 years, accompanied by the ancillary penalty of prohibition of certain rights, according to article 5 from EOG no. 31/2002.

57. The Criminal Code, in its article 369, prohibits all instigation to hatred or discrimination against a category of persons, and prescribes a punishment of imprisonment from 6 month to 3 years or criminal fine.

58. The Criminal Code also prohibits public servants:

- To provoke to an individual serious physical or psychic suffering, on any discriminatory ground, qualifying such a behavior as a crime of torture;
- To abuse their office through illegitimately restricting or limiting the exercise of an individual's right or freedom or by placing an individual in a situation of inferiority on ground of race, nationality, ethnic origin, language, religion, sex, sexual orientation, political allegiance, fortune, age, disability, chronic non-contagious disease of HIV/AIDS infection.

59. It must also be underlined that, under Romanian criminal legislation, a legal person is criminally liable for committing deeds prohibited by law and qualified as crimes, for acts perpetrated to fulfil the object of its activity, or in its name or its interest. Besides the penalty of criminal fine, applicable to a legal person for committing a criminal deed, the court can

also apply an ancillary penalty of dissolving the said legal person, if the legal person was constituted with the goal of perpetrating criminal deeds.

60. The legislation of associations and foundations (nongovernmental organizations), namely Governmental Ordinance no. 26/2000, confirms that these types of non-governmental entities must be at all time compliant with the legislation in force, or the court will reject any request for registration, should their statutes proclaim goals contrary to the law or public order; moreover, any person can request their dissolution by a court, if their goal or activity has become illicit or contrary to public order or when their goal is followed through illicit means.

61. Similarly, the Law on political parties bans political parties that violate the constitutional prohibition on incitement to national, racial hatred, to discrimination; in case a political party adopts, after establishment, such a behavior, it can be dissolved by the Bucharest Tribunal, following a finding in this respect made by the Constitutional Court. Moreover, a political party can be dissolved following a judicial procedure, if its activity has become illicit or contrary to public order.

62. Additionally, as the directions provided under the introductory part of article 4 do not state explicitly that such measures should be of a criminal nature, condemning discriminatory acts may as well be achieved by adopting any measure which has a dissuasive effect. To this end, the Romanian legislation provides for special measures as administrative sanctions that aim to discouraging any discriminatory acts, namely GO no. 137/2000 on preventing and sanctioning all forms of discrimination. As already mentioned above, in Part I, an important amendment brought to the above mentioned normative act is the modification of the provisions on the burden of proof, as a relative presumption was set up in favor of the person who presents facts on the basis of which one can assume that a discrimination deed has been committed.

## **E. Prohibition of racial discrimination under all its forms and enjoyment of rights – Article 5 of the Convention**

### **1. General elements of progress at the legislative, administrative and judicial level to guarantee equality before the law and the enjoyment of rights and responses to paras. 14, 15, 16, 17 of the Concluding observations)**

63. As indicated in Romania's previous report, the legislative framework (partially maintained in force with some amendments during the period under review) put in place affirms and recognizes the principle of non-discrimination as a fundamental constant of all the authorities' policies. As such, the present subsection deals with administrative measures adopted in order to enforce the principle of non-discrimination.

64. On a preliminary note, it is to be noted that, constantly, over the reporting period, the number of complaints registered before the National Council for Combating Discrimination, as well as those registered in courts have moderately increased; as well, in 2013, the dissuasive effect of anti-discrimination legislation was reinforced, as the amount of fines to be applied in case of infraction to legislation increased 12 times (now ranging from RON 1,000 to 30,000, when discrimination is targeting an individual; and from RON 2,000 to 100,000, in cases where discrimination acts were targeting a group of persons or a community).

#### *Preventing and combating the discrimination in audio-visual and media programs*

65. As indicated in the previous report, the National Audiovisual Council (NAC) is the regulatory body for public and private audiovisual media which oversees the compliance of the Audiovisual Law and the Regulatory Code of Audiovisual Content. Articles 11 and 47 of the Regulatory Code forbid broadcasting discriminatory or defamatory statements in the audiovisual programs against a person as well as pejorative references to race, ethnicity, religion, nationality, gender and sexual orientation.

66. In carrying out the functions and tasks assigned by the audiovisual law, the Council issues decisions, instructions and recommendations. The sanctions that can be applied by

NAC, for the noncompliance of the legal provisions in the matter, can be individualized from warnings to fines or license withdrawal, taking into account the gravity of the deed, its effects, as well as the previously sanctions.

67. Moreover, following a request from NCCD, NAC decided to send a recommendation to television and radio stations to support the broadcast of a campaign “Children do not see the differences where differences do not exist”, as part of a broader campaign unfolded by NCCD, “Children and youth at risk and local and regional initiatives to reduce national inequalities and promote social inclusion”, within the European Financial Economic Area Mechanism for 2009–2014.

68. During the period of 2010 – 2018, for the noncompliance of audiovisual provisions regarding the discrimination and xenophobia, after analyzing in public sessions the monitoring reports of the Monitoring Department, NAC applied 30 sanctions, of which 4 warnings and 26 fines.

69. As regards the Internet, a cybercrime unit was established in the police; under a project expected to start at the end of 2019 – “Integrated action for combating hate crimes, particularly against Roma communities, and ensuring a high quality standard of police service” –, proposed for financing through the Norwegian Financial Mechanism, the operationalisation of a unit dedicated to combating hate crimes, as well as hate speech in the online environment is foreseen. The main project activities will consist in expertise transfer (training, study visits and professional stages), antivictimization campaigns in Roma communities and awareness campaigns for specialized audiences and general public.

70. At the same time, specialized police servants in the criminal investigation and public relations structures attended, in 2018, the second monitoring exercise, initiated by the European Commission, for testing the reactions of IT companies (Facebook, Twitter, Google-YouTube and Microsoft) in connection with the removal of online hate-instigator content.

71. In the period 2012–2018, NCCD applied 10 sanctions for discriminatory statements made by journalists (a more detailed description of this case-law in Annex 4).

#### *Preventing and combating the discrimination in the political sphere*

72. Upon their validation as members of Parliament, every lawmaker takes an oath, swearing to respect the Constitution and the laws, the democracy and the fundamental rights and freedoms of all citizens; this obligation is stipulated in the Constitution and reiterated in the MPs Statute, adopted through Law no. 95/2006, with subsequent amendments. Moreover, the Statute underlines the commitment of every MP to respect towards individuals and not to display attitudes or to use injurious, offensive, discriminatory or slanderous language. The disrespect of these provisions constitutes disciplinary offence, if it was not committed in such a manner as to be qualified as criminal offence; the president of the working session of the Chamber to which the MP belongs to can apply various sanctions, from verbal warning to removal from the session room or written warning.

73. The Code of conduct for deputies and senators adopted in October 2017 reinforces the obligation to refrain from offensive, indecent or slanderous language. The notification concerning the violation of the Code of conduct by a MP will be examined by the Legal Committee of the Chamber to which the MP belongs to; in 30 days the Legal Committee will forward its report, containing also, if it reaches a conclusion on the violation, the proposal for a sanctioning measure.

74. In 2011–2018, NCCD applied 12 sanctions for discriminatory statements made by politicians (a more detailed description in Annex 4).

#### *Combating racism in sport*

75. According to article 10 letter r) of Law no. 4/2008,<sup>7</sup> with a view to organizing sports activities, the organizer of sports contests or games is required to prohibit the display in the

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<sup>7</sup> On the prevention and combatting of violence in sports contests and games.

sports arena of symbols, slogans or texts which are obscene or incite to the disparagement of the country, to xenophobia, to national, racial, class or religious hatred, to any kind of discrimination and to violence, irrespective of the support on which they are imprinted. With a view to combatting violence in sport, all entities competent in the field of organization and conduct of sports contests and games and also in the area of safeguarding order in their unfolding are required to establish measures in order to inform and educate the audience, to promote the spirit of fair play and a civilized behavior.

76. Given the past occurrence, during sport events, of several violence and/or discriminatory acts, and in line with the preventive – educational programs carried out by MIA through the General Inspectorate of Romanian Gendarmerie, representatives of this structure participated in working groups aimed at developing “The anti-discrimination strategy in Romanian football” and in other training activities regarding the speech inciting to hatred and crimes inspired by hatred organized by the Inter-regional Research Institute of the United Nations in the field of criminality and justice.

77. At the same time, the Romanian Gendarmerie organised working sessions with the demonstrators’ representatives in order to present them the legal requirements for the conduct of sport events and their obligations, as organisers, in preventing a possible infringement of the rights of other individuals.

78. All MIA personnel benefits from training sessions on the requirement to always adopt a fair, impartial, non-discriminatory behaviour, without distinction of race, gender, religion, nationality, political affiliation, wealth or social origin, with the full observance of the internal and international provisions regarding human rights; moreover, the Gendarmerie management ensures the training of all personnel involved in performing public order and safety missions on the legal framework regulating the use of force, as well as on the means stipulated by law and the method of acting in various circumstances.

79. Dialogue teams were established for a permanent communication with the civil society to prevent infringing individual rights and freedoms, paying special attention to the prevention and friendly settlement of possible tense situations, thus avoiding degeneration into conflicts.

80. RFF has made great efforts in recent years to combat discrimination, racism and hate speech through a structured approach in the measures undertaken, based on a Strategy for Combating Discrimination in Football 2016 – 2020. In order to ensure that the implementation of the Strategy would generate consistent and sustainable results, the RFF created, along with several stakeholders from civil society, academic environment and administration, a joint platform and several projects designed in various forms of collaboration pursuing common goals.

81. At the same time, with the support of UEFA, FIFA and international organizations dedicated to promoting a better football (CAFE, FARE Network, Supporters Direct, etc.), we can mention concrete results such as:

- The introduction for the first time in 2016 in the Match Delegate report of a special column dedicated to reporting discriminatory incidents of hate speech or racist behavior;
- Organizing an annual football tournament entitled “Diversity Cup”, an event that brings together football teams representing national minorities (minimum 14 out of 19 minority organizations present);
- Organizing the Unified National Championship in 7 players in collaboration with Special Olympics;
- Providing support for organizations such as the Policy Center for Roma and Minorities, Down Plus Association, Foundation for the Development of Peoples, ESCO + Foundation etc., to address the risk of social exclusion of children coming from disadvantaged backgrounds.

82. At the same time, RFF has successfully implemented two projects financed with EU funds, through which it has managed to create jobs for disadvantaged people. Particular attention was paid to countering the incidents concerning professional ethics of journalists

with regard to respect for human dignity, ensuring prompt referral to the competent authorities in cases where the victims of unethical behavior were Romanian and foreign football players alike. The RFF's commitment in combating discrimination in the future will surely record consistent results, due to the strategic vision and partnerships with relevant organizations in this field, on a platform of common values and purposes.

83. NCCD has also implemented several projects to support non-discrimination in and through sport events, as detailed in Annex 4.

## 2. Enjoyment of rights

### (a) The right to equal treatment before the courts and all other organs administering justice

84. The adoption of the new Codes in the civil and criminal matters, as indicated in the first Section, confirmed the importance attached to the principle of non-discrimination.

#### (a)1.

85. As for the access to justice and the equal treatment in judicial proceedings, these new pieces of legislation confirm the right of Romanian citizens who are members of national minorities to speak in their maternal tongue before courts, while procedural acts shall be written in the Romanian language. Moreover, foreign citizens and stateless persons who do not understand or who cannot speak Romanian are entitled, free of charge during criminal proceedings, to learn of all the acts and documents in the file, to speak and argue in court, using a certified interpreter, unless provided by law. In criminal cases, where legal assistance is mandatory, the suspect or defendant shall be provided, free of charge, with the possibility to communicate via an interpreter with their counsellor so as to prepare the hearing, the filing of an avenue of appeals, or any other motion that has to do with the resolution of the case.

86. MoJ issues the certified translator/interpreter authorization, so that the requesting person/persons should provide his/her services as certified translator/interpreter. Such authorization is issued based on a formal application filed by the interested party who has to comply with the legal requirements in the field. If such an application is not lodged with the MoJ, the latter may not issue the respective authorization.

87. For the period 2010–2018 the following data were obtained as regards the languages for which the authorization for an interpreter or translator was issued:

No.	Language	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.	Bulgarian	6	10	10	7	2	2	3	4	2
2.	Croatian	4	1	1	1	-	-	-	-	-
3.	Czech	5	3	4	5	3	-	-	-	-
4.	German	586	407	370	215	150	155	51	10	7
5.	Hungarian	164	177	112	67	68	36	14	2	2
6.	Russian	68	63	54	27	31	27	14	6	4
7.	Serbian	9	8	5	-	2	2	2	-	1
8.	Slovak	14	10	7	2	5	2	1	-	-
9.	Turkish	14	5	8	3	8	4	2	4	2
10.	Ukrainian	13	7	5	3	4	2	4	-	2
	<b>Total</b>	<b>883</b>	<b>691</b>	<b>576</b>	<b>330</b>	<b>273</b>	<b>230</b>	<b>91</b>	<b>26</b>	<b>20</b>

88. Furthermore, starting from April 2012 MIA, through its GIRP, has implemented the project titled "Promoting the concept of proximity police in rural areas, focusing on Roma communities or other socially disadvantaged communities" financed through the Romanian-Swiss Cooperation Program. The project is foreseen to come to an end in September 2019.

89. Within the mentioned project, training courses aiming at building specific linguistic skills in the Romani language were organized; the Romanian police officers are expected to

develop competences on Roma Culture and Language and inter-cultural relation skills – by becoming familiar with elements relating to Roma norms, traditions, customs and history.

**(a)2.**

90. Given the comprehensive legal framework, the authorities concentrated their efforts, in the period dealt with in the present report, on its implementation and dissemination.

91. As regards the dissemination of the legislation on combating racial discrimination, one of the most important projects is “Improving access to justice. An integrated approach with a focus on Roma and other vulnerable groups”, implemented during 10 March 2014 – 30 April 2017, by the SCM as Project Promoter.<sup>8</sup> The general objectives of the project aimed to improve the access to justice for vulnerable groups, with a focus on the Roma population, by providing direct legal aid and by organizing related activities in order to raise the level of awareness on fundamental rights and liberties.

92. The following activities were carried out within the project:

- A Study on the access to justice of the vulnerable groups (between June – December 2014)<sup>9</sup>; it represents a thorough documenting material on different dimensions of vulnerabilities, as it details the fundamental elements and legal landmarks on national and international level as regards the access to justice of vulnerable groups, it depicts the local perceptions and attitudes on that matter, as well as the actual situation in Romania related to the access to justice in general, and especially the access to justice for Roma and other vulnerable groups;
- The document was devised as a realist start for identifying mechanisms on awareness and improving the access to justice, a part of those being valued within the project, in the second stage of implementation of it. The study was edited and printed in 531 pieces in Romanian and 50 pieces in English that were distributed to the institutions of judiciary and to the central local public authorities, NGOs and project partners;
- 5 professional training activities on fight against discrimination were organized during March – June 2015, with 139 participants of the target groups – judges, prosecutors and lawyers;
- 7 regional offices for providing direct legal aid to vulnerable groups through lawyers contracted by the project promoter were set up. The activity of assistance was carried out in the special spaces provided for by the Tribunals of Buzău, Mureș, Dolj and Cluj, the Courts of Appeal of Oradea and Iași and by the First Instance Court of 3rd District Bucharest. The activity of direct legal assistance was delivered to a number of 796 beneficiaries belonging to vulnerable groups and the commission of reception (set up at the level of SCM) endorsed the activity delivered for 762 persons;
- An informative package,<sup>10</sup> designed as an informative tool for the vulnerable groups, consisting of 11 sections that provide answers to a series of problems such as defining the concepts of vulnerability and vulnerable group, the conditions for providing legal aid, social services provided by local authorities, protection against discrimination and domestic violence, protection and rights of persons with disabilities, family/marriage, health insurances, social security; 5000 pieces of the informative package were edited and printed as well as 3000 pieces of the audio version in Romanian and Romani;
- 7 regional workshops were organized in the locations where the centers for legal assistance were set up, in order to present the informative package, with the participation of 234 representatives of local and central authorities (members of the mixt working groups – MWGs – set up by the order of the prefect in order to monitor the implementation of the measures of the Romanian Government Strategy for inclusion of Romanian citizens belonging to Roma, for 2015–2020, of the county offices for Roma (CORs), members of the local initiative groups (LIGs)),

<sup>8</sup> In partnership with National Courts Administration of Norway, NIM and NAR.

<sup>9</sup> Available online at:

<https://docs.google.com/viewer?a=v&pid=sites&srcid=Y3NtLmNzbTE5MDkucm98bm9yd2F5Z3Jhb nRzfGd4OjNjMmM5YTM5NWNmNWY3YjM>.

<sup>10</sup> Available at <https://sites.google.com/a/csm.csm1909.ro/norwaygrants/pachet-informativ>.

representatives of NGOs acting in the social vulnerable area, representatives of Roma community, local experts for Roma, educational and health mediators, judges, prosecutors, lawyers and probationary personnel;

- An awareness campaign, in order to distribute the informative package and to make known within the vulnerable groups, local and central authorities and NGOs the information on setting up and functioning of the centers for legal aid (March – April 2017);
- The awareness campaign was carried out in seven counties within the country under the slogan “I want to know my rights so that I would not remain vulnerable”, being focused on 3 types of activities: devising, distributing and displaying 150 roll-ups with relevant information on the centres for legal aid and informative package at the premises of local and central authorities, courts, probationary services, penitentiaries and NGOs of the 7 locations; publishing 3 articles in the local printed media of the 7 locations; the published press sets “Each citizen has a guaranteed access to justice!”, “7 centres for legal aid set up at national level” “I want to know my rights so that I would not remain vulnerable” were devised in a logical order and included information on setting up the legal assistance office for the certain location, information on similar centres set up within the project and information on the informative package devised within the project; organising door-to-door activities for Roma communities of the 7 counties (14 missions in the Roma communities). Within the campaign were distributed 4000 printed pieces of the informative package and 2700 pieces of the audio version of the informative package in Romani and Romanian. In order to increase the impact on the target group, at the level of project promoter measures were adopted in order to distribute to NGOs and local authorities the rest of 1000 pieces of the informative package and 300 pieces of the audio version;
- 10 sessions of professional training on fight against discrimination were organised, with the attendance of 236 representatives of public central and local authorities, of the courts and prosecutor`s offices, of the bar unions and NGOs.

**(b) The right to security of person and protection by State against violence and bodily harm**

**(b)1.**

93. The conduct of police officials is governed by the law (which criminalizes torture and ill-treatment and precludes using evidence obtained as a result of such acts) and by a Code of Ethics and Deontology, which provides in particular that the use of force must meet the requirements of absolute necessity and proportionality. The legal framework governing the conduct of police officers is accompanied by a broad range of training activities to ensure that law-enforcement officials foster commitment to the fundamental rights of persons placed under their responsibility. The impact of these measures is encouraging: in 2014, on the occasion of its last periodic visit to Romania, the CPT noted that the frequency and seriousness of allegations of physical ill-treatment inflicted by law-enforcement officials had decreased since 2010, in particular in the Bucharest region.

94. The law guarantees to persons deprived of their liberty by the police and formally remanded or placed in pre-trial detention the right of access to a lawyer and a medical doctor as well as the right to inform a third party of their choice. A medical examination is mandatory upon admission to police detention facilities. During pre-trial detention, detainees also benefit from periodic medical visits. Persons placed in police custody/pre-trial detention have the right to be examined by a doctor of their choice, in addition to the examinations that must be conducted by the doctors practicing in such facilities. When signs of violence are found or when they allege having suffered abuse, the doctors practising in the detention facility must make a record and notify the prosecutors. At their request, these persons then undergo a forensic medical examination. On the occasion of the above-mentioned visit, the CPT thus noted that persons placed in police detention facilities can henceforth obtain forensic reports without depending on the authorisation of the investigating authority.

95. The department for the coordination of these facilities, whose activity was also positively assessed by the CPT, monitors closely the implementation of these safeguards by

the police and by the medical staff practicing in these facilities. This will enable the authorities to improve further the legislative framework governing these safeguards as well as its implementation, in line with the commitment they undertook in this respect.

96. To ensure that these provisions are adequately implemented, MIA adopted in 2018 a Regulation for the organization and functioning of the detention and pre-trial detention centers and for the measures necessary to ensure their security; moreover, it prepared and disseminated a Guide on medical service in police detention facilities and is in the process of recruiting additional medical staff to serve in these facilities.

97. Regarding the policy for the recruitment of persons belonging to national/ethnic minorities within MIA, attracting members of these national minorities to a career in the organizations of public order and safety and their training in fields and issues regarding minorities constitute a priority in the field of the human resources activity of the Ministry of Internal Affairs, as shown in Annex 6 to the report.

98. The implementation of the positive discrimination principle has been extended at the level of the entire further MIA education system, therefore if in one of the schools remain un-filled places following the entrance exam (from those expressly allotted to young Roma), the candidates of the same ethnicity who initially chose another institution (the schools for police agents / border police / firemen non commissioned officers) will have priority in filling these places.

99. Campaigns encouraging young people belonging to minorities to choose a career within the police structures were also promoted (see Annex 6).

**(b)2.**

100. The amendment in 2016 of the Law no. 17/1996 regulating the use of firearms and munition enhanced the quality of the legal framework as regards the use of firearms and to ensure conformity with the standards flowing from the Court's case-law in this field. Thus, the cases when an authorized person can make use of a firearm have been modified, in order to limit the hypothesis where such a recourse is legitimate.

101. The law also specifically describes the actions needed to be performed right after the use of the firearm. As such, each situation of firearm use is urgently notified in a hierarchical manner. As soon as possible, a written report will be drafted. In case of death or physical injury, the facts will be immediately notified to the competent prosecutor by the authority to which the person who used the firearm pertains. The obligation to ensure first aid and proper medical assistance of the injured remained enacted.

102. Lastly, the law now expressly stipulates that the authorities with attributes in the aforementioned fields are obliged to train the personnel authorized to bear and use firearms as regards the conditions of firearm use as well as to organize theoretical and practical assessments periodically.

103. The entire legislation governing the use of fire-arms is taught to police officers and agents within programs of initial training and sessions of in-service training, by theoretical and practical methods. As far as the initial formation of the police staff in educational institutions is concerned, special schemes are provided for in view of the instruction on the field and a great importance is paid to practical schemes as simulations. All training institutions within MIA teach a number of themes that prepare future police officers and agents in the effective use of firearms: military training, individual measures to be used during interventions, summoning, tracking and apprehension of persons, use of fire-arms in different situations, legal procedure to be respected when using fire-arms.

104. As for the in-service training, the frequency of training for police officers and agents that are already in the field of work are established according to their division into three categories: special police forces, operational police forces and non-operational police forces. Police officers and agents that do not comply with the compulsory scales undergo supplementary training. Following the entry into force of the amendments to the legal regulation, in October-November 2016, theoretical training sessions were organized at the level of all central and territorial police units, on the use of firearms. The evaluation of the theoretical knowledge in November–December 2016 covered a number of almost 42,000

police officers and agents; for those police officers and agents who obtained the “Unsatisfactory” qualification, additional training measures were taken.

105. The mandatory in-service training, covering 40% of the working hours and dedicated to professional, physical and shooting training, completed with a minimum of 12 days of tactical and intervention training each year, ensures the adequate professional and practical preparation of the members of the special interventions groups.

**(b)3.**

106. Following the demilitarisation of the Romanian police in 2002, investigations concerning police officers and officers in the rapid intervention forces fell into the province of the civil prosecutor’s offices and courts; military prosecutors and courts remain competent to conduct investigations concerning officers of the gendarmerie; amendments brought to the status of military judges and prosecutors in 2004 henceforth guarantee their institutional independence.

107. Considering that the present legislative framework is capable of ensuring the adequacy and thoroughness of such investigations, the authorities have mainly focused on strengthening their practical independence and effectiveness. In October 2015, POHCCJ adopted a Strategy in this respect, thus deciding that these investigations would henceforth be carried out exclusively by prosecutors in the offices attached to the superior courts (county courts and courts of appeal).

108. The heads of these offices must designate prosecutors who will handle mainly this type of cases. A monitoring and reporting procedure has been put in place in order to detect and advise the General Prosecutor, but also the investigating prosecutors, about the mistakes and errors committed during such investigations and provide remedies. The body charged with that mission is the Service for Advice and Control, within POHCCJ. Furthermore, a second POHCCJ Order designates an individual prosecutor’s office, namely the Prosecutor’s Office attached to Bucharest Court of Appeal, for the criminal investigation regarding police officers (including those who do not belong to the judicial police corps) and the NAP employees, in the most serious cases (when the victim was in custody at the time the crime has been perpetrated and the victim presents traumatic lesions, proven by a medical or forensic certificate). A similar rule was instituted for the Prosecutor’s Office attached to the Bucharest County Court, regarding the police agents. By attributing the task of criminal investigation in the most severe cases of ill treatments perpetrated by State agents only to the abovementioned Prosecutor’s offices, the General Prosecutor followed the idea of containing the criminal investigations in such cases with a view to raise the degree of responsibility of the prosecutors and facilitate the quality control over their work.

109. Following these orders, the Service for Advice and Control within POHCCJ conducted a total number of 7 activities of evaluation and control, regarding the prosecutor’s activities in the relevant areas: 2 in 2015, 1 in 2016, 3 in 2017 and 1 in 2018. Concrete measures have been taken on these occasions for the correction of the defaults observed:

- The examination by the General Prosecutor or by Prime-Prosecutors of certain solution adopted by subordinated prosecutors;
- Measures destined to speed-up procedures;
- Unification of the prosecutor’s offices practice concerning mentioned offences;
- Specialization of the prosecutors.

110. POHCCJ also requested NIM to organise targeted training activities for the prosecutors thus designated.

**(b)4.**

111. Racial profiling is by no means used by the police, prosecutor’s offices or courts of law in Romania.

### 3. Measures implemented in order to combat discrimination against Roma

112. The latest strategic document adopted for improving the inclusion of Roma is the Strategy for the Inclusion of Romanian Citizens belonging to the Roma Minority (hereafter the Strategy) 2014- 2020 (last revised in 2015). The Strategy was adopted following broad consultation of public central and local administration entities, civil society organizations, academics, experts of UN institutions and the World Bank, diplomatic offices in Bucharest.

113. The Strategy is covering four crucial areas – education, employment, health and housing – as well as other fields such as social services and culture. The National Roma Contact Point (NRCP) and NAR coordinate the process of Roma inclusion at the national and local level and the Inter-Ministerial Committee, which involves all central institutions, ensures implementation by the various relevant ministries and local authorities.

#### (a) Access to education of Roma children (para. 14 lett. b) of the Concluding observations

114. The Law of national education introduced a minimum level for financing of the national education, set at 6% of the annual GDP, which was to be assigned yearly by Law. However, given the imperative of a maximal budget deficit and the need to balance all the expenses from the state budget, the implementation of this provision was postponed until 2021; the amounts have constantly grown, as indicated in the table in Annex 7. Additionally, the educational establishments (both of pre-university and university level) may obtain and use autonomously their own revenues.

115. The financing of the national education is made both from the State budget and the budgets of the local public administrative authorities. The funding of the pre-university educational establishments has three components – basic, complementary and additional. The funding is made on the basis of the standard cost per pupil/ pre-school child, which is determined for each level of education, route and specialization/field; the value increase during the reference period, as well as details on the content of the 3 types of funding are shown in Annex 7.

116. The increases in teachers' salaries between 2014/15 and 2018/19 were of 181 % for pre-primary and primary teachers and 164 % for secondary teachers<sup>11</sup> (one of the highest percentages in EU).

#### *Access to free and quality education for all children*

117. The Education Law clearly prescribes that public education is free of charge (Art. 9) and that pupils and teachers in public education benefit from school textbooks free of charge, both for education in the Romanian language and for education in the languages of the national minorities, pursuant to law.

118. The Framework Regulation on the organisation and functioning of pre-university educational establishments provides that the committee of parents may decide to support financially the class or the school; this decision is not mandatory for the parents and can be put in practice only through the parents' legally constituted association. Moreover, the Regulation forbids the involvement of the pupils or the school staff in fund raising/management; the violation of the prohibition shall be considered a disciplinary offence.

119. A survey from 2018 conducted by Save the Children Romania<sup>12</sup> showed over 81% confirmation from the respondent parents that contributing to the school or class money is not mandatory; 72% of the parents were not making any voluntary payment to the school money and 44% to the class money.

120. Law no. 1/2011 provides that the education establishments may extend the educational activities for pupils through School after school programmes. The activities offered through this type of services include activities for strengthening the acquired

<sup>11</sup> See [https://eacea.ec.europa.eu/national-policies/eurydice/sites/eurydice/files/teacher\\_salaries\\_2018\\_19.pdf](https://eacea.ec.europa.eu/national-policies/eurydice/sites/eurydice/files/teacher_salaries_2018_19.pdf). The gross amount includes the contribution to the health system, social security and pension scheme.

<sup>12</sup> <https://www.salvaticopiii.ro/sci-ro/files/7d/7da9f60a-0725-43a7-b04b-a717ca489210.pdf>.

competences or for accelerating learning, as well as remedial teaching activities. It also provides pupils with a safe space as an alternative to spending their free time in environments with harmful potential.

121. The funding of this program can be ensured from multiple sources, including from local authorities' budgets, and in the case of pupils from disadvantaged groups, from the State budget (Details are presented in Annex 7).

*Access to primary and secondary education for all children, and measures to guarantee access for disadvantaged children, particularly Roma children and children with disabilities*

122. Additionally to the social support measures previously started, devoted to vulnerable groups,<sup>13</sup> the authorities identified new incentives to increase access and school attendance. These measures include:

- Social vouchers to stimulate the participation of children from underprivileged families in preschool education (kindergarten), starting from 2015 (50 lei / month, for a school attendance greater than 50%,);
- Free school supplies for children from socio-economic disadvantaged families: the project School supplies for preschoolers and pupils – equal opportunities to education, offered school supplies packages to preschoolers and school backpacks to pupils in primary and gymnasium education (grades II-VIII). in view of the allocation by the European Commission, of the amount of 27 million euros for education by 2023, MoNE will submit annually a request for funding for student and pre-school supplies; 571,108 beneficiary students in the 2015–2016 school year, 55,234 beneficiaries in 2016–2017, 337,001 beneficiaries in 2017–2018;
- From 2016, MoNE implemented, in 50 State pre-university education units, a pilot program Hot meal for students, providing food support for preschoolers and students, with 54,709 beneficiaries in the 2018–2019 school year.

123. Affirmative measures targeting the Roma pupils and youth previously launched have been continued, such as: the annual granting of distinct places for Roma pupils/students for admission in high schools / universities; the annual training of school mediators (generally, Roma ethnics); initial training of Roma youth through open distance learning / reduce frequency courses in order to become teachers in Roma communities, the annual training through intensive courses of teachers in the field of Roma history and language with UNICEF's support; annual support for providing education in Romani language in pre-primary and primary schools, as well as the teaching of History, Culture and Romani language at primary and secondary level.

124. Among the measures meant to boost the inclusion process, it should be mentioned the increase in the share of Roma pupils who receive support within the programmes "School after school" or "Second chance"; annually, around 5,000–7,000 adolescents, young people and adults, 60% of whom are Roma) participate in courses for school recovery of the second chance type.

125. Within the EEA Grants 2014–2021, the programme Education, Scholarships, Apprenticeships, Youth Entrepreneurship Programme – ESAYEP, which includes a component targeting Roma pupils (with a total budget of EUR 1,411,756) allowed for the

<sup>13</sup> - free transportation (by school buses) for students from isolated communities to school / reimbursement of transportation expenses for student shuttle for distances up to 50 km;  
 - financial incentives for pupils who cannot receive education in their home towns;  
 - daily snacks for children in pre-primary, primary and lower secondary schools consisting of fruits, vegetables, milk and dairy products to preschoolers and to the students from the educational units;  
 - special scholarships for children from disadvantaged groups for stimulating the attendance of high school (180 lei/month); special scholarships for children who attend professional schools (200 lei/month);  
 - special financial support for children from disadvantaged groups to purchase a personal computer (200 lei);  
 - classes with reduced number of students in rural areas and in communities with minority population.

funding of 7 projects on inclusive school and education, tolerance, multicultural environments, anti-discrimination and democratic citizenship, as well as training of teachers on related issues. Each of the funded projects includes the following activities which are to be carried out in the partner schools:

- The training of teachers working with Roma children on how to facilitate the inclusion of these children (pupil-centred teaching approaches, the inclusive school and the teaching in a multicultural environment, democracy and active citizenship education, human/ child's rights, tolerance, anti-discrimination);
- The elaboration of curricula and educational materials on multicultural and inclusive environment;
- Learning and awareness activities on the issue of anti-discrimination, as well as awareness and skills development activities on inclusion, jointly organised with the Roma and non –Roma parents.

126. The authorities continued the implementation of the school mediation program, dedicated to facilitating vulnerable/Roma children in education. In order to ensure the necessary number of such professionals, about 30 to 60 mediators are trained each year by MoNE, through the Teacher Training Houses or in partnership with established NGOs. In the last four years, for example, 284 persons have been trained as school mediators. Currently, there are about 450 school mediators (from whom 75% are of Roma ethnicity) working annually in the educational system, in all counties.

127. Moreover, teachers, irrespective of their specialization, are offered yearly accredited trainings and courses on topics such as equal chances in education, interculturality and inclusion in and by education, human rights and child's rights. These courses and trainings also approach the topic of how to prevent and combat the discrimination and segregation of Roma people in education.

128. Annex 7 details the projects carried out by MoNE during the relevant lapse of time.

*Education in minorities' mother tongue and preservation of cultural diversity, including Romani language, history and culture in teaching approach*

129. As indicated in Section I, the legal framework recognizes the right of every person belonging to a national minority to study in their mother tongue at all levels and forms of education; amendments brought to the law in 2018 consolidated the organisation of education for pupils studying in their mother tongue or studying their mother tongue as a school subject. In this respect, the standard cost per pupil/ pre-school child used when granting the basic funding to the pre-university education establishments where the teaching is done the languages of national minorities, is calculated according to an increased coefficient based on correction factors which take into account the teaching in the national minority language or of the national minority language.

130. The reorganisation or the dissolution of any study groups, including those belonging to the education in mother tongue, can only take place with the approval of MoNE, the Education Commission of the National Minorities' Council and the organization representing the national minority in the Romanian Parliament.

131. Within the national curriculum reform started in 2012, the school syllabus for the discipline History for the 4th grade (primary education) was revised in order to better reflect the different dimensions of diversity, including the ethnic one and includes topics such as: "Peoples yesterday and today: "Dacians, Romans, Greeks, Gauls, Slavs, Turks, Romanians, French, Hungarians, Germans, Russians, Serbs, Bulgarians".

132. At the same time, the school syllabi for the school subject History, studied during the lower secondary education (grades 5–8) was also revised and now include history elements related to the national minorities: "Ethnic and religious diversity in Romanian territories", "National minorities in Romania", "Holocaust in Romania: Jews and Roma". Pupils learning in schools/sections teaching in their mother tongue, or who study their mother tongue as a school subject in schools where teaching is provided in Romanian, have in the core

curriculum for grades 6 and 7 the school subject History and Traditions of Minorities, corresponding to each national minority.

133. The Intercultural education school subject was introduced in the 6th grade curricula, focusing on the values and principles of an intercultural society and classroom practices that enable students to capitalize on their own culture and of appreciating other cultures (minorities, migrants, etc.).

134. Pupils also have the opportunity to choose from the Curriculum at the school's decision (CDS) for secondary education level, disciplines as: Oral history – Lived History – Narrated History, Intercultural Education, History of National Minorities, and History of Jewish People. The Holocaust, etc.

135. According to the Law, teachers who teach in the language of national minorities have the right to training and development in the language of instruction, in the country or abroad.

136. The continuous training of teachers is ensured by means of trainings provided by school inspectorates, Teacher Training Houses, universities, as well as with the support of national minority unions or national minority teacher unions. In 2018, the Continuous Teacher Training Centre in Hungarian was set up in Oradea, providing upgrading activities and continuous training for teachers and auxiliary staff teaching in Hungarian.

137. Within the CRED project, one of the guidelines for the implementation of the new curriculum is dedicated to the History and traditions of minorities. In order to support history teachers teaching this optional course, a teacher handbook was elaborated, at the initiative of Project on Ethnic Relations and of DIR.

138. DIR developed projects to support the training on multicultural education for teachers as well – a guide on intercultural education for trainers and teaching staff, interactive training sessions approaching non-discrimination, human rights.

139. Moreover, DIR partnered with MoNE and with the national minorities' organisations in an online campaign to facilitate access of parents and students to education in a language of a national minority and to develop the communication skills in the mother language. Thus, practical information on necessary documents, enrolment schedule, the educational units teaching in mother languages are posted on the Department and on the MoNE sites.

140. Regarding the learning of Romani language and of the specific history and traditions as factors enabling inclusion, Roma pupils have the possibility to study in the Romani language (primary and lower secondary level, further providing 3–4 teaching hours / week of Romani native language lessons for 1st to 12th grades, respectively 1 hour / week of Roma history and traditions, for grades 6th and 7th) in certain counties, as well as the possibility to study the Romani language, history and culture, as additional school disciplines, in 39 counties.

141. MoNE supports, where required, teaching in Romani language in pre-school education. In the last five school years, a variable number between 18–22 kindergartens functioned with teaching in native Romani language. MoNE also supports, where required, teaching in Romani language in grades 1st to 4th (4 hours / week of compulsory Romanian language and literature).

142. In addition, within the current curricular reform, new school syllabus for Romani language and literature (for 5th-8th grade) and for Roma history and traditions (for 6th-7th grade), respectively have been elaborated.

143. Regarding the teaching of Romani language, courses on Romani language and their corresponding teaching methodology took place constantly, as well as teaching the Romani language or in this language, including the Romani History and the Traditions school subject. The courses for romanipen on education are constantly offered by the Teacher Training Houses.

144. Furthermore, in the implementation of the National Strategy for Roma inclusion, DIR started in 2016, in cooperation with MoNE, a project platform focusing on the Romani language: The Romani mother tongue, Roma history, traditions and customs in the intercultural educational context of the undergraduate education.

145. DIR also co-organised the National Conference of Roma Youth, an event offering to young Roma students the opportunity to get acquainted with the Roma history, traditions and ethos, and to familiarise themselves with modern leadership knowledge, in order to stimulate young representatives of the community to assume the position of community representative at local/county/national level.

**(b) Access to housing for Roma people (para. 14 lett. c) of the Concluding observations)**

146. Ensuring both access to adequate housing and standard living conditions is a permanent objective of the Romanian authorities, expressed constantly in their strategies for social inclusion and fight against poverty.

147. This objective is implemented through different programmes that the MoRDPA has started or has continued during the reporting period, respectively:

- The social housing construction program (carried out according to Housing Law):
  - Access to renting social houses is granted to families or persons having a monthly net revenue below the average wage established at national level; the law provides the benchmarks in establishing the criteria by the public local authorities and explicitly prohibits segregation on any grounds, including race, and forbids forced evictions without due guarantees. Given that the implementation of the eligibility criteria, which is decentralised at the local administration level, can encounter inconsistencies, the reform in this field is also focusing on revisiting the eligibility criteria;
  - The amount allocated between 2010 and 2018 was 237,929,287 million RON, for a total of 67 blockhouses built or to be built in several Romanian towns;
- Construction of rental housing units for persons under 35 years;
- Social housing construction program for the tenants evicted from nationalized houses;
- The pilot program “Social housing for Roma communities”, funded from the State budget for building 300 housing units for the Roma people in 11 localities from all eight development regions of Romania;
- Investments in housing units for vulnerable persons.

148. Details about these programmes are presented in Annex 8.

149. In the programming period 2014–2020, fighting against poverty and social inclusion has become much more pragmatic. Thus, the Regional Operational Program (ROP) 2014–2020, managed by MoRDPA as management authority, implements the Local Development under the Responsibility of the Community (Community-led Local Development – CLLD) mechanism, which finances investments in housing infrastructure, social economy, integrated community centres, education and degraded urban territory equipment for disadvantaged communities from the urban marginalised areas. The types of actions financed include building/rehabilitation/modernization of social houses. At present, the budget allocated to Priority Axis 9 (ERDF + national contribution) is 83,34 million EUR.

150. In 2013, the Government initiated the NPLD, coordinated by MoRDPA; the programme offers the legal framework for the implementation of projects of national importance, respectively projects supporting the regional development by carrying out infrastructure works, including water supply and sewage (see Annex 8).

151. The program has covered, until present, two stages:

- The first stage was initiated in 2013, and starting with 2015 the investment objectives were financed by a multiannual programme; 1,629 investment projects, with a financed investment value of 5,574 million lei (over 1,1230 million EUR) covered the areas of water supply, sewage or integrated projects (for water supply and sewage). From them, 976 are already finalised;
- In 2017, a second stage of the programme was launched, with new investment objectives (separate from the first stage) and a larger financial envelope. 1,319 projects, with a financed investment value amounting to 8,578 million lei (over 1,842

million EUR) are being developed in the areas of water supply and sewage, from which 116 are already finalised.

152. According to statistics provided by MoRDPA, for the territorial units where the Roma population represents or exceed 20%, the funds allocated through NPLD for the period 2013–2020 (phase I) are 661,188,076 RON for 206 objectives and for the period 2017–2020 (phase II) 988,624,869 RON for 270 objectives.

153. Currently in internal approval process within MoRDPA, the draft National Housing Strategy proposes, among other things:

- The adoption of a general legislative framework, clarifying the eligibility criteria for accessing a social house (taking into account the income of the beneficiary);
- The use of public funds to aid those with insufficient income to cover their housing needs;
- The regulation of a minimum mandatory percentage of dwellings suitable for persons with disabilities and the elderly, from the total number of dwellings built by the local authorities;
- The prohibition of forced evictions from public property buildings without prior consultation of those evacuated and without the provision of alternative housing;
- Strict and transparent regulation of the modalities in which local public administrations can benefit from financial support from the State budget in order to ensure access to adequate housing for socially marginalized persons;
- Clarification on the obligations of the local administrative authorities to ensure the access to adequate housing for the socially marginalized persons, including by positive measures;
- Rulemaking necessary to establish a system for collecting periodic data by MoRDPA (transmission, collection, analysis) in order to substantiate the future policies and programs for financing social housing;
- Monitoring the need of different categories of people for different housing solutions.

154. To the latter end, MoRDPA will create a monitoring platform in the field of housing, which will oversee public investments in the housing sector as well as data on the existing housing stock and housing needs.

155. The authorities of the local public administration will have the obligation to make public, by displaying in a place accessible to the public, and / or on the institution's website, data on the number of dwellings that they own and manage, according to their destination, their degree of occupation, as well as the decisions by which the lists of the applicants who benefit of the respective public houses was approved.

#### *Forced evictions*

156. Under civil law, unless otherwise provided by law, the eviction of the tenant is carried out according to a court decision, following an adversarial procedure. While the law distinguishes two cases for evacuation (namely the situation where a lease contract is, at least apparently, ongoing from the case where there is no or not anymore a title for the use of the immovable), and the procedure is simplified in the second hypothesis, for all the situations, the eviction can be decided only by a court, and an opposition to execution can be lodged. The former tenant can request the suspension of the eviction (in the simplified procedure, only after depositing a financial guarantee).

157. Regarding the eviction of tenants from the buildings dedicated to housing, according to the Civil Code, no evacuation from the buildings dedicated to housing can be made from 1st of December until 1st of March of the next year, unless the creditor makes the proof that, for the purposes of the provisions of the housing legislation, he and his family do not have an adequate housing or that the debtor and his family have another suitable housing where they can move right away.

158. This provision does not apply to the evacuation of persons who abusively occupy, without title, housing or of those found to put in danger the relations of cohabitation or seriously disrupt the public order.

159. In both hypotheses of eviction of tenants and former tenants, a judicial review is performed and judicial guarantees against an abusive eviction are stipulated.

160. In case a dwelling, shelter or other improvised structure is erected without any authorizations on land pertaining to State property, the said erection is to be demolished, without prior judicial authorization and other formalities, upon decision of the local administration. The decision to demolish the said erection can be challenged before the tribunals, in accordance with the law on administrative disputes.

161. Should a complaint be lodged against an administrative act, the interested party can request, from the moment she has challenged the act before the issuing authority, the suspension of the said act. Such a request can be presented before a court even before a judicial complaint is lodged.

162. The prefect of a county, as representative of the Government at local level, is empowered to verify the legality of the administrative acts of the county council, local council or of the mayor; to this effect, the decisions of the local council are communicated immediately to the prefect and to the mayor, but no later than 10 working days from the adoption date.

163. The prefect has the possibility to challenge before a court for administrative disputes the legality of the decisions of the local public administration; the formulation of such a challenge has an automatic suspensive effect.

164. Moreover, as the case-law of the ECtHR confirms, the domestic legal system offers access to justice and due process guarantees in case of a forced eviction from an informal settlement, from alternative housing following an eviction of an informal settlement or from risky buildings.<sup>14</sup>

165. Special measures are taken by the local authorities in case of such an eviction:

- Providing solutions that offer the possibility of reasonable housing terms (keeping families together, preventing school dropout of children), in case the evacuation is caused by the necessity of demolishing building (and using the land for a different purpose);
- The inclusion of several provisions in local county decisions in order to establish measures to be taken in this type of cases and allocating a necessary budget for rent payment/financial support for families/evicted persons;
- Early communication of such decisions and facilitating dialogue between authorities and civil society through the active organisations in this field.

166. Moreover, efforts were made in order to support the registration of properties. Thus, under the Government Decision no. 294/2015, NACLIR implements a cadastral program for the period 2015–2023. It is envisaged the completion of the systemic registration of properties in the land registry in 2337 administrative urban and rural units. Particular emphasis was given to vulnerable groups, especially the Roma ethnics.

167. The Romanian Government, through NAR, has funded, between 2014–2015, under annual calls for proposals – “The Year of Citizen’s participation and responsibility” – a number of 30 projects all across the country, amounting to 1 million EUR from the national budget, to support the legalization and issuing of the ID and property-related documents for the inhabitants in informal Roma communities. These complex and technical projects

<sup>14</sup> Decision on admissibility in the cases of :  
 Cazaciu and others v. Romania [https://hudoc.echr.coe.int/eng#{"itemid":\["001-173361"\]}](https://hudoc.echr.coe.int/eng#{),  
 Farkas and others v. Romania [https://hudoc.echr.coe.int/eng#{"itemid":\["001-145689"\]}](https://hudoc.echr.coe.int/eng#{) and  
 Memet and others v. Romania  
[https://hudoc.echr.coe.int/eng#{"fulltext":\["eviction"\],"respondent":\["ROU"\],"documentcollectionid2":\["DECISIONS"\],"itemid":\["001-198308"\]}](https://hudoc.echr.coe.int/eng#{).

resulted in more than 4,500 direct beneficiaries of the NAR funding. Also, starting with 2016, the projects were scaled up and taken over by the NACLR.

168. Moreover, an amendment brought in 2016 to the Law on cadastre and real estate provided the legal framework for allowing policy interventions in informal settlements for the benefit of inhabitants. These new provisions introduced the gratuity of the initial registration in the Land Registry (which is free of charge) and the possibility to register the possession over an immovable property, in the absence of a formal title. This amendment created the legal framework necessary for formally considering, in technical documents, the possession right of buildings and/or land, including those in urban and rural informal settlements. Thus, legal mechanisms and steps are available, by which informal settlers (that lack the legal right of ownership), that meet the legal requirements, can become formal possessors of land/buildings and afterwards request access to public utilities.

**(c) Access to health care and health mediators for Roma (para. 14 lett. d) of the Concluding observations)**

169. Health represents one of the main intervention areas of the 2015–2020 Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority. The Strategy seeks to improve the access to basic, preventive and therapeutic medical services; to prevent sickness situations contributing to the morbidity and mortality levels affecting the Roma population and the diminution of risks thereof; to improve the local authorities capabilities in order to identify the needs and to address them; to prevent the discrimination of Roma in the health system.

170. Furthermore, the Strategy includes a component of information campaigns, in order to increase the use of family planning, especially by young Roma women and to implement women and child health interventions.

171. Every year, within the framework of the National Health Promotion Program of MoH, with the occasion of World Day of Contraception in 26 August, dissemination activities were carried out by the Public Health Directorates and implemented in collaboration with local partners. Through the support of community nurses and health mediators those activities targeted also women from vulnerable population.

172. Starting with 2016, each year the community nurses and the health mediators were trained for healthy eating and nutrition in vulnerable Roma communities; 4,500 kits, containing methodological instruments and covering 7 health promotion themes implemented in Roma population communities were distributed and 108,500 persons belonging to Roma minority benefited from a project developing the inter-sectoral collaboration for a better health status of the population, especially vulnerable groups.

173. The Roma health mediators are also contributing to the dissemination of basic notions on a healthy lifestyle, of information on the access of community members to health care and medico-social services and on public health campaigns (such as immunisation programmes, identifying transmissible diseases).

174. Another important vector in dissemination the essential information on the basics of child care and the benefits of breast feeding and vaccines, the advantages of the health insurance system, on healthy eating, in presenting the benefits of family planning and facilitating the communication with healthcare professionals is the community team. This team, consisting of a community nurses and a health mediator, monitors and supports, for medical or/and social issues, the most vulnerable persons.

175. The number of health mediators grew from 391 in 2014 to 456 in 2019 and of community health nurses from 982 in 2014 to 1694 in 2019.

176. These professionals assisted a constantly growing number of beneficiaries, as the table below indicates.

<i>Year</i>	<i>Total number of beneficiaries, out of whom:</i>	<i>Pregnant women and recent mothers</i>	<i>Children (aged below 18 years)</i>
2017	618 380	31 750	135 500
2018	665 412	30 950	147 443

177. In order to consolidate this tool, MoH implemented several projects, complementing the national health mediation program, in 84 communities from 7 counties; these communities received support from a team composed of a health mediator and a community nurse, employed by the local authorities; their activity made possible an accurate assessment of the basic health needs of the community. Within the project already finalised, almost all the community teams were employed by the local mayoralty with salaries paid by MoH, securing the sustainability of the project and the community health centres were equipped with IT and basic medical equipment.

178. MoH implemented a project delivering guidelines for healthy nutrition and physical activity for children in schools and kindergartens, implemented through the community nurses, schools nurses and Roma health mediators who received special training. These activities were further implemented annually within the framework of the National Health Promotion Program.

179. Also, through a project ongoing until 2022 in 139 rural and small urban communities, with medium or severe marginalisation, persons affected by poverty will benefit, for 28 months, from medical-social-educational services, tailored to their identified needs (health, social assistance and protection, education, employment, housing and identity documents). The project is interrelated to another financing program, aiming at regional development, as the later one will finance the building or renovation and the equipment of the integrated community centres, the headquarters for the integrated community teams.

180. More details are presented in Annex 9.

**(d) Access to labour market for Roma (para. 14 lett. e) of the Concluding observations)**

181. NAE continued to promote employment among the Roma population through an integrated approach, aiming at an active social inclusion. Measures for employment stimulation envisaged both the job mediation in order to facilitate the direct access to a job and active employment measures, including labour market information, career counselling, assessment and certification of professional skills acquired in other ways than formal ones and vocational training, all of them provided with a view to combating the risk of poverty and social exclusion of Roma. NAE has organized Job Fairs for Roma every year and implemented a special program designed for localities having a large number of Roma.

182. During 2010–2018, a special attention was given to measures to encourage participation in training programs for Roma job-seekers registered at the territorial agencies for employment of the National Employment Agency (NEA). A number of 7,227 Roma people participated in free training courses, as follows:

	2010	2011	2012	2013	2014	2015	2016	2017	2018
No. of Roma people registered at NEA who were employed based on the services/measures provided by the Public Employment Service	6 696	5 492	5 274	4 655	5 925	6 925	3 490	4 196	3 971
No. of Roma people registered at NEA who participated in vocational training activities organized by the Public Employment Service	677	898	1 227	946	759	1 083	504	438	695

183. The downward trend of the results regarding the participation of Roma people in the vocational training corresponds to constantly decreasing number of unemployed registered in the NAE records.

184. In the period 2010–2018, through the stimulation measures applied by NAE, a number of 45,994 Roma people were employed.

185. DIR is currently in a partnership within the transnational project “Changing the discourse, changing the practices: Roma people as a human resource – RARE”(project code DTPI-1-4.1). The project was ongoing until June 30, 2019 (it started on January 2017) and was part of the transnational programme the Danube 2014–2020, financed through the European Fund for Regional Development. It comprises 6 countries – and in Romania the pilot project is targeting the Orko neighbourhood from town Sfântu Gheorghe.

**(e) Access to places and public services for persons belonging to Roma community (para. 14 lett. f) of the Concluding observations)**

186. The NCCD case-law shows that, during the relevant period, the number of complaints on its docket was relatively constant (Annex 4).

**F. Effective protection against any acts of racial discrimination (Article 6 of the Convention)**

**1. Measures taken to collect statistical relevant data (paras. 16, 18 and 19 of the Concluding observations)**

187. The MoJ communicated that starting from 3 April 2015 the application ECRIS (the electronic tool for court statistics) enables the collection of statistical data concerning criminal cases in which the court held the commission of the offence on grounds of hatred, as regulated by Article 77 letter h of the New Romanian Criminal Code (the NRCC). As such, the ECRIS system comprised the statistical attribute of “hate crime” for 50 offences regulated by the NRCC, situated under the following categories: crimes against the person, crimes against the patrimony, malfeasance while in office, forgery, crimes against public health, crimes against public order, crimes against religious freedom and respect for deceased and the crime of attempt against a community.

188. In December 2016, MoJ initiated the procedure for obtaining through OPAC (the Operational Programme Administrative Capacity), the necessary financing for implementing a project envisaging the performance of an analysis which will determine the technical characteristics and features, the hardware infrastructure and the costs required for the development, by means of a subsequent future project (also financed through OPAC), of the enhanced and extended ECRIS application, so as to correspond to the latest requirements of the judiciary system, both technologically (e.g., improving the architecture of the application) and functionally (e.g., data flow, including for judicial statistics). The partners in this project comprise the Superior Council of Magistracy, the Prosecutor’s Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate, the Directorate for Investigating Organised Crime and Terrorism, Bucharest Court of Appeal and Bucharest Tribunal, the Judicial Inspection and the National Probation Directorate. The financing contract for the analysis project was signed in November 2017 and its implementation is estimated to cover a period of 25 months.

189. Also, MoJ announced the implementation of the necessary steps so as to make the attribute of “hate crime” more detailed, composed of distinct sub-attributes, corresponding to all circumstances regulated by Article 77 letter h of the NRCC, including sexual orientation, in the present ECRIS application.

190. At the same time, following internal consultation during 2017, POHCCJ agreed on modifying the collection of statistical data at the level of the Public Ministry; by Order of the General Prosecutor, disaggregated data concerning the application of art. 77 lett. H Criminal Code started to be collected. Thus, such data are available only from the second semester of 2018.

191. GIRP communicated that tertiary legislation regulating the records on criminal files comprise the obligation to insert information about the aggravating circumstances, encompassing the motives of hatred/discrimination (Article 77 letter h of the Romanian Criminal Code – RCC). Also, within the project financed through Norwegian Funds and dedicated to combating hate crimes, particularly against Roma communities, the development of a module dedicated to the collection of data on “hate crimes” and operating in the statistical applications already in use within the Romanian police is foreseen.

## 2. Files

192. During 2014–2018, the prosecutors’ offices registered 440 case files concerning the alleged perpetration of the incitement to hatred and discrimination, out of which 154 were solved – in 3 files through indictment, in 5 by dropping charges and 146 were closed.

193. As far as the offences to GEO 31/2002 are concerned, from a total of 257 case files registered during 2014–2018, 85 were solved, through indictment in 6 cases, by dropping charged in 11 cases, while 68 cases were closed.

## G. Education, culture, information (Article 7 of the Convention) – Progress in the implementation and positive response to para. 20 in the Concluding observations

194. As already indicated in the previous report, all law enforcement officials benefit from initial and/or continuous human rights training.

### 1. Initial and continuous training for magistrates

195. Starting with 2006–2007, the 1st year NIM trainee magistrates are introduced to the concepts of prohibition of discrimination and that of an effective remedy and relevant international case law on these matters; the studies are complemented in the 2nd training year with the course “Fight against discrimination”. In 2016 a total number of 302 judicial trainees (142 in the first year and 160 in the second year) benefited from the training sessions referred to above, whereas in 2017 a total number of 331 judicial trainees (189 in the first year and 142 in the second year) were trained in the field.

196. Judges and prosecutors admitted into magistracy following a direct contest also undertake an initial training in discrimination and hate crimes in the Human Rights Module and also at seminars on criminal law. In 2016 a number of 52 magistrates were trained in the above mentioned matters. A total of 90 judges and 27 prosecutors attended the training program organized in 2017. In 2018 a total of 125 judges and 56 prosecutors attended the training program.

197. Special training events (conferences, seminars) are also constantly organised on the topic of non-discrimination, some of them within programmes or projects implemented in partnership with NCCD or/and with Romani CRISS.

198. The Public Ministry organized, autonomously, two training programs for the prosecutors targeting exclusively or partially the hate crimes, discrimination and antisemitism issues, as follows:

- Combating fascism, racism, xenophobia and the cult of persons guilty of crimes against peace and humanity, Bucharest, 15 October 2014, in partnership with the National Institute for the Study of the Holocaust in Romania “Elie Wiesel”;
- The human rights and fundamental liberties protection in the criminal investigation phase of the criminal trial series of training sessions (15 November 2017–22 May 2018).

### 2. Training for lawyers

199. The National Institute for Lawyers’ Training and Professional Perfecting is offering an initial two-year professional training; the 2nd year includes the study of human rights protection. Also, within the continuous training system, conferences and seminars on human

rights protection are offered to lawyers within projects co-implemented by the Institute and governmental or non-governmental organisations.

200. As an example, in February 2017, within the framework of JUST/2014/JTRA/AG/EJTR programme on The advancing knowledge on fundamental rights for lawyers,<sup>15</sup> 2 seminars on issues related to hate crimes, racism and rights and principles recognized by the EU Charter of Fundamental Rights, particularly from perspectives affecting the Roma population and 2 seminars regarding the effective and coherent application of EU law in the area of fundamental rights within the project were organised.

### **3. Training provided by MIA**

201. In the curriculum of education institutions within MIA, topics aimed at ensuring the development of necessary skills in the relations with citizens were introduced, in order to ensure the observance of their rights and interests and their promotion according to legal rules.

202. The training includes the cases concerning ill-treatment and involving policemen in which the European Court of Human Rights stated that Romania had failed to observe the provisions of ill-treatment prohibition.

203. Over 2,350 students graduating the “Alexandru Ioan Cuza” Police Academy in the period 2014–2019 and over 11,595 graduates from the police and gendarmerie non-commissioned officers’ schools benefitted from human rights training.

204. IPOS organizes training courses in the field of human rights, attended by police officers from public order structures, criminal investigations, transport police. The purpose of these training programmes is to prevent discrimination/abuse in the interaction between the police worker and the persons belonging to groups at risk of discrimination. In 2014–2019, 2,100 police personnel from public order, criminal investigation and transportation departments participated in these courses.

205. More details on these training programs are presented in Annex 10.

### **4. Training of prison personnel**

206. Taking advantage of international expertise, 3 training curricula were developed and employed for the continuous prison staff training within the project called Strengthening the capacity of the prison system in the area of human capital development at the level of prison staff: “Human Rights – ways to prevent discriminating minorities, especially Roma population”, “Radicalization as a prison phenomenon” and “CPT Rules”. These curricula, which approached, from different perspectives, human rights protection and elimination of all forms of discrimination, were adapted and used within the initial training courses organized for the junior prison police officers working in various fields. Complying with human rights is also debated during the law courses organized within different educational institutions training prison staff.

### **5. Training provided by NCCD**

207. NCCD also continues its training activities (see Annex 10); the Council is implementing, from October 2018 to March 2020, the project “10 Years of Implementation of the EU Framework Directive on Racism and Xenophobia in Romania: Challenges and New Approaches to Hate Crime Actions” – NoIntoHate2018.<sup>16</sup>

208. The project seeks to use the expertise of some institutional working groups to review the legislative framework by proposing amendments if they are required. Increasing institutional capacity will be achieved by organizing training courses for people directly involved within the process of recording and reporting hate crimes. Between August 2019

<sup>15</sup> Implemented by Romani CRISS in partnership with the Centre for Interethnic Dialogue and Tolerance “Amalipe” Bulgaria and the National Institute for Lawyers.

<sup>16</sup> In partnership with IPOS and funded by the EU Program “Rights, Equality, Citizenship 2014 – 2020”, according to the Grant Agreement no. 809349 – NoIntoHate2018 – REC-AG-2017 / REC-RRAC-HATEAG-2017.

and February 2020, experts from NCCD, IPOS and an international expert in hate crime will hold 12 training sessions (8 sessions for the professional category of magistrates and 4 sessions for professional police and gendarmerie categories).

## **6. Training for public servants**

209. During 2010–2019, the National Agency for Public Servants implemented 15 projects with a training component, focusing on equal opportunities and gender equality, as well as sustainable development. The Agency also implemented or participated in projects including human rights training (see Annex 10).

## **7. Training for human rights and non-discrimination within the primary and secondary education and for teachers**

210. From the curricular perspective, Human Rights Education, as well as Education for Democratic Citizenship, have been developed extensively, both topics being approached in multiple ways: as distinct compulsory subjects, as thematic clusters included in various Social Studies courses and as optional school subjects from a trans-disciplinary approach.

211. At primary education level, the syllabus for Civic education for the 3rd and 4th grades have been restructured, while the newly approved school plan for lower secondary level offers particularized social science subjects for each grade, as follows: Critical Thinking and the Child's Rights for the 5th grade, Intercultural Education for the 6th grade, Education for Democratic Citizenship for the 7th grade, Economic and Financial Education for the 8th grade. Regarding the related optional subjects provided at national level, it is worth mentioning the following courses: Education for Society (for preparatory and 1st grades), Philosophy for Children (for primary school), Intercultural Education and Humanitarian International Law, respectively (both for high school).

212. Besides the formal approach to the Human Rights Education, a wide range of local, county, and national extracurricular contests, competitions, and programs have been established in order to enable and encourage the practice and promotion of social competences.

213. Regarding the training of teachers in the field of human rights education and child's rights education, Teacher Training Houses provide a wide offer of in-service trainings and within various extracurricular programs. Starting with 2013, Teacher Training Houses, in partnership with the Romanian Institute for Human Rights, offered a four year formation course for all pre-university teachers on human rights and, in particular, children's rights.

214. In 2016, Romania contributed to the Council of Europe (CoE)'s initiative regarding the elaboration of a Framework of Competences for Democratic Culture. In addition, through the Ministry of National Education's support, the Framework was piloted in Romanian schools.

215. The entire Romanian language curriculum promotes the empathetic cultural and intercultural behavior. The new syllabus specific to the lower secondary school put forth updated perspectives on: personal, national, cultural and linguistic identities, cultural differences, European cultural and linguistic contacts, all of which are included in a compulsory component called "Intercultural Elements" – part of the Romanian language syllabus.

216. The curriculum of Romanian language for minorities extensively develops the component of personal development within the social – cultural framework. In this respect, the syllabus focuses on students' acknowledgement of the multicultural and inter-cultural environment, promotion of ethnic, national and universal values and on students' involvement in projects specific to international days (e.g. International day of tolerance).

217. Regarding students' factual behavior, all schools have the possibility to promote and initiate extracurricular projects and activities meant for children and teenagers to practice non-discrimination competences, values and principles. Most of these activities are developed in partnership with the School Committee for intercultural promotion and violence, corruption and discrimination prevention and elimination in the school environment.