

Fragnet National contribution to the Fundamental Rights Report 2022

ROMANIA

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	No developments in 2021.
EU Charter of Fundamental Rights	No developments in 2021.
Equality and non-discrimination	Various bills aimed at curbing 'gender ideologies' have been drafted, in spite of Decision 907 of 16 December 2020 of the Constitutional Court in relation to a bill adopted in 2020 by the Parliament to ban any type of education regarding gender and gender identity.
Racism, xenophobia & Roma integration	In June 2021, the Parliament amended Article 369 of the Criminal Code regarding the offence of incitement to violence, hatred or discrimination. The Constitutional Court found the amendment unconstitutional, <i>inter alia</i> due to the failure to adequately transpose the Framework Decision on Racism and Xenophobia (Decision 561 of 15 September 2021). The first national strategy for preventing and combating antisemitism, xenophobia, radicalisation and hate speech for the period 2021-2023 was adopted in May 2021. There are no policy developments to be reported on Roma integration.
Asylum & migration	No developments in 2021.
Data protection and digital society	A controversial draft bill on electronic communications is currently pending in Parliament. The bill has been criticised for obliging hosting services and electronic communications operators to grant access to state institutions and the secret services to users' data and online activity, including encrypted messages.
Rights of the child	Policy measures reported in the context of the COVID-19 outbreak. The Code of Criminal Procedure was amended by Law 284/2020 to transpose EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.
Access to justice, including victims of crime	The Ministries of Labour, Justice and the Interior developed a joint methodology on evaluating and intervening in offering support and protection to victims of crimes . The Government adopted a national strategy on preventing and combating sexual violence, together with an action plan .

Convention on the Rights of Persons with Disability	<p>A draft law reforming the guardianship system was published by the Ministry of Justice and is pending in the Parliament.</p> <p>The Government adopted Emergency Ordinance No. 114/2021 and Decision No. 1.137/2021 in order to support the de-institutionalisation of persons with disabilities who are currently institutionalised.</p>
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Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

On 19 January 2021, the European Court of Human Rights issued its judgment in the case *X and Y v. Romania*,¹ finding violations of Article 8 of the European Convention in a case concerning two transgender men who were refused a change of sex in their birth certificates because judges imposed on them the condition of presenting medical evidence of gender reassignment surgery. The Court found the State in violation of Article 8 of the Convention because it implemented an unclear and unforeseeable national law, which allowed the development of contradictory jurisprudence, leading to cases where judges impose conditions that conflict with the right to private life of trans persons, placing them in a distressing position likely to give rise to feelings of vulnerability, humiliation and anxiety for an unreasonable and continuous length of time. In September 2021, the Committee of Ministers of the Council of Europe placed the case directly under enhanced supervision, given the systematic changes that are required in order to execute the Court's judgment.²

After the adoption of the anti-gay laws by the regime of Viktor Orban in Hungary, two of the Hungarian-minority political parties – the Hungarian People's Party of Transylvania and the Hungarian Civic Party – issued public statements of support for such restrictive measures and expressed their plan to introduce a similar bill in the Romanian Parliament through MP Zakarias Zoltan, representative of the Democratic Alliance of Hungarians in Romania.³ Almost instantly, the Alliance for the Union of Romanians, a minority party in the Romanian Parliament that has been repeatedly described as an extreme-right party, announced that it will also introduce a bill to ban what it calls "gay propaganda" among children, understood as any information about homosexuality or gender identity provided to minors.⁴

¹ European Court of Human Rights, *X and Y v. Romania*, Application No. 20607/16, judgment of 19 January 2021, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-207364%22%5D%7D>.

² Department for the Execution of Judgments of the European Court of Human Rights, Information on the status of execution available at [https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%2220607/16%22%5D%2C%22EXECIdentifier%22:%5B%22DH-DD\(2021\)539E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%2220607/16%22%5D%2C%22EXECIdentifier%22:%5B%22DH-DD(2021)539E%22%5D%7D).

³ DW (2021) 'Romania following the footsteps of Viktor Orban?' ('România pe urmele lui Viktor Orban?'), 11.08.2021, available at <https://www.dw.com/ro/rom%C3%A2nia-pe-urmele-lui-viktor-orban/a-58829534>.

⁴ Hotnews (2021) 'AUR plans to initiate an anti-LGBT law based on the Hungarian model – Party supporters are being consulted on social media' (*AUR vrea să inițieze o lege anti-LGBT pe modelul din Ungaria / Simpatizantii partidului, chestionați pe rețele de socializare*), 27.07.2021, available at <https://www.hotnews.ro/stiri-politic-24943363-aur-vrea-initieze-lege-anti-lgbt-modelul-din-ungaria-simpatizantii-partidului-chestionați-rețele-socializare.htm>.

No public authority or political party has expressed public opposition to such public statements; only Iulian Bulai, an MP from USR-PLUS, one of the parties in the Government coalition at that time, criticised the initiatives.⁵

Such initiatives come in spite a decision from the Constitutional Court of Romania, published in the Official Journal on 21 January 2021, which found legal provisions banning education regarding gender and gender identity unconstitutional. The Constitutional Court stated that such legal amendments conflict with constitutional and international human rights standards that reflect the changes over time in the social roles attached to women and men and the removal of gender stereotypes, as well as the recognition of gender identity in the case of transgender people ("the situation of transsexual people").⁶ The Constitutional Court explicitly acknowledged that biological sex and gender identity are not always the same, contrary to the idea put forward by the prohibition enshrined in the amendment, which was challenged and sent for constitutional review. According to the Court the notion of 'gender' has a wider scope than that of 'sex'/ 'sexuality' in the strictly biological sense, as it incorporates complex elements of a psychosocial nature. Thus, the Constitutional Court ruled that the law adopted by the Parliament violated, amongst other provisions, Article 16(1) in conjunction with Articles 32 and 49 of the Constitution, (equality of citizens in the context of ensuring access to education and protection of children and young people), by violating the State's obligation to ensure, without any discrimination, the possibility for children and young people to know and study theories, ideas and concepts in accordance with the development of society, without constraints that censor their freedom of thought and expression – what the Court calls "[conscious assumption] of a system of values necessary for fulfilment and personal development". In this context, the Court established that freedom of conscience in relation to human dignity in the realisation of education is incompatible with "imposing by law a 'truncated' knowledge of reality as a premise for forming the concept of the world around", by "prohibiting, by plan, any attempt to know any other existing opinions/theories regarding the same subject, especially when such opinions/theories are promoted/supported from a scientific and legal point of view, marking developments in society at some point".⁷

⁵ G4Media (2021) 'Iulian Bulai about the anti-LGBTQI bills announced by AUR: USR PLUS will oppose such aberration' (*Iulian Bulai, despre pachetul legislativ anti-LGBTQI anunțat de AUR: USR PLUS se va opune unei asemenea aberații*), 28.07.2021, available at <https://www.g4media.ro/iulian-bulai-despre-pachetul-legislativ-anti-lgbtqi-anuntat-de-aur-usr-plus-se-va-opune-unei-asemenea-aberatii.html>.

⁶ Constitutional Court of Romania, Decision No. 907 of 16 December 2020, published in the Official Journal No. 68 of 21 January 2021, para. 65, available at https://www.ccr.ro/wp-content/uploads/2021/01/Decizie_907_2020.pdf?fbclid=IwAR0IMwK6TiduuUKJ9tNSV8_ZuGy609UPKk6ej7jH4wKWycW8aoXVWYEs7sE.

⁷ Constitutional Court of Romania, Decision No. 907 of 16 December 2020, published in the Official Journal No. 68 of 21 January 2021, para. 79, available at https://www.ccr.ro/wp-content/uploads/2021/01/Decizie_907_2020.pdf?fbclid=IwAR0IMwK6TiduuUKJ9tNSV8_ZuGy609UPKk6ej7jH4wKWycW8aoXVWYEs7sE.

The 2021 LGBT pride events were subjected to refusals and restrictions, which limited freedom of expression and freedom of peaceful assembly, thus having a discriminatory effect on the LGBTI community. In August 2021, the Mayor of Bucharest initially opposed the organisation of the weekend event on Calea Victoriei, a main road in the centre of the capital city where the march has been held in recent years. He invoked security reasons in connection to another event that takes place on the same street every weekend during the summer, 'Open Streets', during which the centre of the town becomes exclusively pedestrian.⁸ After criticism and protests⁹ against such a restrictive administrative decision, the mayor reassessed the situation and allowed the march to take place as planned. Nevertheless, the gendarmes fined ACCEPT Association (Asociația ACCEPT), the organiser of the march, approximately € 1 600 (RON 7 000) because the number of participants exceeded the legal limit of 500 persons, which had been imposed due to the pandemic.¹⁰ Similarly, the authorities fined PRIDE Romania, the organiser of the pride event in Cluj that took place at the end of August 2021, approximately € 450 (RON 2 000). The associations appealed the fines, arguing that freedom of peacefully assembly and freedom of expression are unlawfully and disproportionately restricted by the State by imposing the 500 person limit, because this limit was introduced by Government decision,¹¹ it is unclear and unforeseeable because it leaves the assessment of restrictions to human rights to a committee whose competence, competence, criteria and procedures are not transparent and impossible for anyone, including the judiciary, to verify. They also argued discrimination in relation to religious processions, which the State allows to take place without imposing a limit on the number of participants. The cases are currently pending before the first instance court Third District Bucharest and the First Instance Court Cluj Napoca. The Government maintained the restriction

⁸ Bucharest Mayor, press release of 6 August 2021, available at <https://www.facebook.com/PMBucuresti/posts/2088645987940101>.

⁹ Spotmedia (2021) "Homophobia at the mayor's office!" Protest at Nicușor Dan's door, after the Bucharest Mayor's Office hindered the gay parade and authorised the "fascist march" of the New Right – UPDATE: The Mayor's Office is inviting a new round of discussions' ('Homofobie la Primărie!' Protest la ușa lui Nicușor Dan, după ce PMB a pus bețe în roate paradei gay, dar a autorizat 'marșul fascist' al Noii Drepte - UPDATE: PMB invită la noi discuții), 6 August 2021, available at <https://spotmedia.ro/stiri/eveniment/homofobie-la-primarie-protest-dupa-ce-marsul-bucharest-pride-nu-a-primit-autorizatie-dar-un-miting-al-noii-drepte-a-fost-acceptat-de-oamenii-lui-nicusor-dan-foto-video>.

¹⁰ Hotnews (2021) 'Accept Association announces it will appeal in court the fine issued by the police after Bucharest Pride 2021' (Asociația Accept anunță că va contesta în instanță amenda primită de la Jandarmerie după marșul Bucharest Pride 2021) available at <https://www.hotnews.ro/stiri-esential-24978293-asociația-accept-anunță-contesta-instanta-amenda-primită-jandarmerie-după-marsul-bucharest-pride-2021.htm>. See also, Bucharest, First Instance Court Third District, File No. 19466/301/2021, available at http://portal.just.ro/301/SitePages/Dosar.aspx?id_dosar=3010000000685763&id_inst=301.

¹¹ Romania, Government Decision No. 826 of 05.08.2021 on extending the state of alert of the territory of Romania from 11 August 2021 (*Hotărârea de Guvern nr.826 din 05.08.2021 privind prelungirea stării de alertă pe teritoriul României începând cu data de 11 august 2021*), Annex 3, Article 1, point 33. See also Law 55/2020 on certain measures for the prevention and combating of the effects of the COVID-19 pandemic (*Legea 55/2020 privind unele măsuri pentru prevenirea și combaterea efectelor pandemiei de COVID-19*), Art.5(3)(a), Art. 65(L) and Art. 66(C).

despite the wide criticism expressed by the civil society at the beginning of July 2021. For example, a group of more than 60 civil society organisations asked the Government to ensure that fundamental freedoms such as freedom of peaceful assembly are respected in the pandemic context during the summer, after the infection rate dropped to 0.05 and the Government relaxed many restrictions, except the one on the number of persons who could participate in civic demonstrations or protests outdoors.¹²

In relation to discrimination against EU citizens based on their nationality, the CJEU judgment in *Coman* on freedom of movement under equal conditions for EU citizens and their same-sex spouses who are third country nationals, returning to their State of origin after exercising freedom of movement in the EU,¹³ is still not being respected in Romania due to the Civil Code ban regarding legal recognition of same-sex marriages concluded abroad (Article 277).¹⁴ Following the CJEU judgment, the *Coman* case was dismissed by the national courts without an examination on the merits and the case is currently pending before the European Court of Human Rights for alleged violations of Articles 6, 8, 12, 13, and 14 of the Convention.¹⁵ A similar case, introduced after the *Coman* judgment, was rejected by the immigration authorities and administrative courts and is pending before the ECtHR, alleging the same violations given the practice of the national immigration authorities in refusing to treat same-sex spouses as spouses and imposing stricter conditions on them compared to other EU citizens, in breach of EU law.¹⁶

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

On 30 July 2021, Intersect, a European Commission funded project bringing together four NGOs coordinated by the Centre for Legal Resources, published five personal stories of young persons who identify at the intersection of gender

¹² ACCEPT (2021) 'Open Letter of civil society organisations of 8 July 2021', available at <http://www.acceptromania.ro/wp-content/uploads/2021/07/Ridicare-restrictii-libera-intrunire-8-julie-2021.pdf>.

¹³ CJEU, C-637/16, *Coman and Others*, 4 June 2018, available at <https://curia.europa.eu/juris/liste.jsf?num=C-673/16eu>.

¹⁴ Romania, Civil Code, Article 277.

¹⁵ ECtHR, *Coman and Others v. Romania*, Application No. 2663/21, available at <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22COMAN%20AND%20OTHERS%20v.%20ROMANIA%22%22%7D,%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22,%22COMMUNICATEDCASES%22%7D,%22itemid%22:%5B%22001-208508%22%7D%7D>.

¹⁶ ECtHR, *A.B. and K.V. v. Romania*, No. 17816/21, available at <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22A.B.%20and%20V.K.%20v.%20Romania%22%7D,%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22,%22COMMUNICATEDCASES%22%7D,%22itemid%22:%5B%22001-213178%22%7D%7D>.

identity, sexual orientation, and belonging to an ethnic minority. The narratives, which are presented as interviews, illustrate real-life experiences, feelings, trauma and victories, barriers and love stories.¹⁷ This is the first initiative focusing extensively and exclusively on intersectional discrimination in Romania.

A report published in 2021 by the Sexual Orientation and Gender Identity Unit of the Council of Europe, focused on three main areas of concern with respect to LGBTI people in Romania: legal gender recognition, same-sex partnership and families, and combating hate crime and hate speech.¹⁸ The conclusions of the report were based on legal analysis and consultation with people belonging to the LGBTI community. Consultation on legal gender recognition revealed that one of the main problems that trans people face is the very onerous and inaccessible legal gender recognition procedure, including for trans persons living and working abroad who face challenges due to operating under two identities. According to the report, a simplified administrative procedure for legal gender recognition based on informed consent would be better suited to accommodate individual rights and in the general interests of population records. Another problem identified by transgender people in the report is a lack of healthcare services that are specialized in supporting medical transition and discrimination in accessing ordinary healthcare services.¹⁹ The report describes several experiences of discrimination against same-sex families whose relationship is disregarded by the authorities in contrast to married heterosexual couples, for example: in hospitals, when one partner is ill, they cannot benefit from co-insurance of a working partner or other benefits given to married workers, and in relation to the police, when they are victims of hate crime and cannot declare their relationship out of fear of re-victimization.²⁰

¹⁷ Intersect, Centre for Legal Resources (2021) *Lives at intersection of ethnicity, sexual orientation and gender identity* (Vieți la intersecția dintre etnie, orientare sexuală și identitate de gen), 30.07.2021, available at <https://www.crj.ro/vieti-la-intersectia-dintre-etnie-orientare-sexuala-si-identitate-de-gen/>.

¹⁸ ACCEPT, ENDSOGIDISC (2021) *Combating discrimination and violence on the basis of sexual orientation and gender identity – Romania, national report*, Council of Europe, April 2021, available at http://www.acceptromania.ro/wp-content/uploads/2022/01/raport_CE_2021-EN-compressed.pdf.

¹⁹ ACCEPT, ENDSOGIDISC (2021) *combating discrimination and violence on the basis of sexual orientation and gender identity – Romania, national report*, Council of Europe, April 2021.

²⁰ ACCEPT, ENDSOGIDISC (2021) *Combating Discrimination and Violence on the Basis of Sexual Orientation and Gender Identity – Romania, national report*, Council of Europe, April 2021.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In March 2021, the US State Department Country Report 2020 reported that Romani groups complained that there were instances of police harassment and brutality, including beatings; there are no updates regarding investigations by authorities into those incidents.²¹

In July 2021, the NGO Centre for Legal Resources published a study on the national laws, local regulations, practices and case law in the field of social housing affecting Roma families.²² The conclusions and recommendations include a call for the authorities to respect and apply the main aim of ensuring social housing, which is for social protection. According to the research, this principle should be translated into clear and transparent criteria for allocating social housing that are non-discriminatory, do not involve excessive bureaucracy, and involve social workers who help persons in need of housing to put together their application, along with implementing a simplified process of proving a permanent residence for obtaining ID and ensuring the involvement of the authorities who are responsible for guaranteeing the respect of human rights – the prefect and the Ombudsperson.

In July 2021, the Centre for Legal Resources published a briefing paper proposing a series of public policies in the field of education to combat discrimination and stigmatisation of young Roma, especially LGBTQ young Roma, and to prevent the internalisation of stigma by this social group. The proposed measures include: committing publicly to zero tolerance of discrimination, collecting data about discrimination, collaborating with civil society, providing information about intersectional discrimination, providing psychological counselling services to pupils and their parents, introducing information in school books about the contribution of discriminated groups to the national history, improving existing public policies to combat discrimination and bullying in schools, introducing the study of historic transgenerational trauma and remedies in university curriculum, making sure that the anti-bullying action group required in each school has one member or one

²¹ US State Department (2021) *2020 Country Report on Human Rights Practices: Romania*, 30 March 2021, available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/romania/>.

²² Centre for Legal Resources (2021) *Accesul la locuințe sociale și nediscriminarea* (Access to social housing and non-discrimination), July 2021, available at https://www.crj.ro/wp-content/uploads/2021/09/Policy-social-housing_RO.pdf.

periodic guest who is a non-discrimination expert and one representative of the Roma and LGBTQ communities.²³

In September 2021, the National Council for Combating Discrimination and the NGO Institute for Public Policies published the results of a survey of perceptions and attitudes regarding discrimination in schools.²⁴ The survey took place during May-June 2021, through telephone and online interviews with parents (611 interviews), teachers (689 interviews) and representatives of the county school inspectorates (131 interviews), having a margin of error of 4 % with a 95 % confidence level. Discrimination is a reality that the respondents have acknowledged existing and many even stated that they had assisted in cases of discrimination in schools – 49 % of teachers interviewed declared that discrimination is a problem in their school and 39 % remember assisting in cases of discrimination by other teachers in their school – while one in three teachers stated that they intervene only when there is a serious case of discrimination, and not to prevent or combat such incidents. There are very high rates of intolerance especially among parents regarding certain minority groups such as Roma people, homosexuals and immigrants, and lower but important rates among teachers (for example 46 % of parents, compared to 23 % of teachers, agree or partially agree with the statement that “the majority of Roma breach the law”). Verbal abuse from other pupils is the main form of discrimination identified by the respondents, but they also identified discrimination inflicted by teachers, such as lowering grades, ignoring the pupils, and verbal abuse. The survey was carried out as part of a project funded by the European Commission that includes organising training on anti-discrimination for 200 teachers by June 2022 and drafting a practical guide to combating discrimination in the classroom.²⁵

The 2021 ACCEPT Report on Romania, produced with the support of the Council of Europe, includes a section on hate crime and hate speech.²⁶ The report involved online consultations with local organisations that have been monitoring incidents of hate crime and hate speech and reporting them to the police in the past three years. According to these respondents, criticism is directed at law enforcement

²³ Centre for Legal Resources (2021) ‘Discrimination, self respect and the education system in Romania: intervention proposals regarding the situation of young Roma and young LGBTQ Roma’ (*Discriminare, stima de sine și sistemul educațional din România: propuneri de intervenție privind situația tinerilor romi și a tinerilor romi LGBTQ*), available at https://www.crj.ro/wp-content/uploads/2021/09/Policy-education_RO.pdf.

²⁴ National Council for Combating Discrimination and Institute for Public Policies (2021) ‘Survey Perceptions and attitudes regarding discrimination in schools’ (*Sondaj Percepții și atitudini privind discriminarea în școli*), 24 September 2021, available at http://www.ipp.ro/wp-content/uploads/2020/12/IPP_Sondaj_discriminare_2021.pdf.

²⁵ Institute for Public Policies (2020) ‘Profs against discrimination – a presentation’, available at <http://www.ipp.ro/profsagainstdiscrimination/>.

²⁶ ACCEPT, ENDSOGIDISC (2021) *Combating discrimination and violence on the basis of sexual orientation and gender identity – Romania, national report*, Council of Europe, April 2021, available at http://www.acceptromania.ro/wp-content/uploads/2022/01/raport_CE_2021-EN-compressed.pdf.

officials who allegedly adopt disengagement practices, carry out ineffective investigations into hate crimes, and did not take a stand against the widespread hate speech and homophobia during the campaign on the 2018 referendum to amend the definition of family in the Romanian Constitution. The report also identified positive developments, such as: the General Prosecutor's taking a series of measures to improve data collection on hate crimes, monitoring the law enforcement of the criminal offence of incitement to discriminate, and proposing improvements; as well as, starting in 2020, the police collection of data about the number of criminal complaints filed to the police on hate crimes and expanding the number of courses in initial and continuous training to cover issues related to discrimination and hate crime, including practical information to ensure more effective criminal investigations.²⁷

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

From 2021, the Romanian Police have designated one police officer for each county to be in charge of the criminal investigation of hate crime (a total of 41 police officers nationwide), a measure promoted within PDP 3 project. A training session that took place on 9-12 March 2021, based on the manual "Policing LGBTI hate crime", produced by the Council of Europe was part of the capacity building of this group of police officers.²⁸

On 13 May 2021, the Romanian Government adopted the National strategy for preventing and combating antisemitism, xenophobia, radicalisation and hate speech for the period 2021–2023.²⁹ This is the first such strategy ever adopted in Romania. It aims to improve data collection, to evaluate existing legislation and educational and professional training programmes and to propose improvements, to develop cultural pilot programmes to combat the spread of antisemitism,

²⁷ ACCEPT, ENDSOGIDISC (2021) *Combating discrimination and violence on the basis of sexual orientation and gender identity – Romania, national report*, Council of Europe, April 2021.

²⁸ Council of Europe, Secretariat of the Committee of Ministers, 1419th meeting (December 2021) (DH) - Rule 8.2a - Communication from the authorities (12/10/2021) concerning the case of *M.C. and A.C. v. Romania* (Application No. 12060/12), available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a42c4c

²⁹ Romania, Government Decision No. 539/2021 on the approval of the National Strategy for preventing and combating antisemitism, xenophobia, radicalisation and hate speech for the period 2021-2023 (*Hotararea 539/2021 privind aprobarea Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023, și a Planului de acțiune al Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023*), of 13 May 2021, published in the Official Journal No.517 of 19.05.2021, available at <https://sgg.gov.ro/1/wp-content/uploads/2021/05/ANEXA-1-4.pdf>.

xenophobia, radicalisation and hate speech, and to strengthen Romania's involvement in international efforts to combat these phenomena. The institutions that are members of the inter-ministerial committee for combating antisemitism, xenophobia, radicalisation and hate speech are responsible for the implementation of the strategy. The monitoring and evaluation of the national strategy will be ensured by a national coordinator acting in the position of State Counsellor within the Chancellery of the Prime Minister.³⁰

On 1 June 2021, the European Court of Human Rights issued its judgment in the case *ACCEPT Association and Others v. Romania*,³¹ finding violations of Article 14 taken in conjunction with Article 8 and Article 14 taken in conjunction with Article 11 of the European Convention. The case concerns an event organised by Association ACCEPT in February 2013, to celebrate LGBT history month, which consisted of a screening in the National Museum for the Romanian Peasant in Bucharest of a movie portraying a same-sex family in a cinema. An online mobilisation against the event brought 50 people to the museum, who interrupted the screening, screaming remarks such as "death to homosexuals", "faggots" and "you filth", insulting and threatening the participants. Some of the intruders were holding a flag of a former Romanian far-right party, *Totul pentru țară*, which had been dissolved by court order because of its fascist propaganda, and some of them made Nazi salutes. National investigations into the criminal complaints filed with the police by the Association and 10 of the event participants were discontinued, allegedly due to lack of evidence beyond reasonable doubt. First, according to the Strasbourg Court, the State failed to ensure that the LGBT event proceeded peacefully, without verbal abuse: it did not assess correctly the risk incurred by the individuals at the hands of the intruders and did not respond adequately in order to protect the individual applicants' dignity against homophobic attacks by a third party. The Court found that the authorities' bias permeated their reactions and their subsequent reporting on the incident, which completely disregarded any manifestations of homophobia. Secondly, the Court found that the authorities failed to carry out an effective investigation into any homophobic motives of the part of the demonstrators, considered that the investigation lasted too long, and found that the authorities had not taken reasonable steps to investigate whether

³⁰ Romania, Government Decision No. 539/2021 on the approval of the National Strategy for preventing and combating antisemitism, xenophobia, radicalization and hate speech for the period 2021-2023 (*Hotararea 539/2021 privind aprobarea Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023, și a Planului de acțiune al Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023*), of 13 May 2021, Section 10:J, published in the Official Journal No.517 of 19.05.2021, available at <https://sgg.gov.ro/1/wp-content/uploads/2021/05/ANEXA-1-4.pdf>.

³¹ ECtHR, *ACCEPT Association and Others v. Romania*, Application no. 19237/16, judgment of 1 June 2021, available at <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%2219237/16%22%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22:%5B%22001-210362%22%2C%22%22%22%7D>.

the verbal abuse had been motivated by homophobia. No policies or legal changes were adopted following the judgment.

On 21 July 2021, the President of Romania filed a complaint before the Constitutional Court challenging the constitutionality of an amendment of Article 369 of the Criminal Code regarding the criminal offence of incitement to violence, hatred or discrimination, adopted by the Parliament in June 2021.³² The Ministry of Justice proposed the amendment, prompted by the need to bring the current legal provision into compliance with Article 1(1)(a) of the Framework Decision on Racism and Xenophobia (in October 2020, the European Commission had opened pre-infringement procedures against Romania in this regard).³³ The President complained that the amended provision does not respect minimum standards of constitutionality: accessibility, predictability and legality of criminal law provisions. According to the President, the proposal does not explicitly enumerate the protected criteria against hate speech, which creates room for arbitrary and legal uncertainty, rather it uses the ambiguous form “belonging to a certain category of persons”. Further, the President claimed that the amendment is not in compliance with the Framework Decision that aims to ease judicial cooperation among the Member States, by making sure that there is incrimination for the same facts across the European Union, and clearly underlining the motive of the criminal offence, at least by explicitly mentioning racist and xenophobic motives. On 15 September 2021, the Constitutional Court decided unanimously that the amendment of Article 369 of the Criminal Code was unconstitutional, because it breaches the principle of clarity and predictability of criminal law.³⁴ According to the Constitutional Court, the general way in which the criminal provisions under review were drafted would lead to a high degree of unpredictability, raising concerns under Article 7 of the European Convention on Human Rights, as well as other fundamental requirements of the rule of law, because such drafting opens the way to arbitrary/aleatory interpretations and applications.³⁵

³² Romanian President (2021) Complaint of unconstitutionality regarding the Law for the amendment of Article 369 of Law No. 286/2009 on the Criminal Code (*Sesizare de neconstituționalitate asupra Legii pentru modificarea art. 369 din Legea nr. 286/2009 privind Codul penal*), available at <https://www.presidency.ro/ro/media/comunicate-de-presa/sesizare-de-neconstituționalitate-asupra-legii-pentru-modificarea-art-369-din-legea-nr-286-2009-privind-codul-penal>.

³³ European Commission, Infringement Decisions of 30 October 2020, available at https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687.

³⁴ Constitutional Court of Romania, Decision No. 561/2021 of 15 September 2021, published in the Official Journal No.1076 of 10 November 2021.

³⁵ Constitutional Court of Romania, Decision No. 561/2021 of 15 September 2021, published in the Official Journal No. 1076 of 10 November 2021, para. 34.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

<p>Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link</p>	<p>Strategy of the Government of Romania for the Inclusion of Romanian Citizens belonging to the Roma Minority for the period 2021-2027 <i>Strategia Guvernului României de Incluziune a Cetătenilor Români aparținând Minorității Rome pentru perioada 2021-2027.</i> By the end of November 2021, the Roma Strategy had still not been adopted by the Romanian Government. The Governance Programme for 2021-2024 of the Coalition for Resilience, Development and Prosperity between the National Liberal Party, the Social Democratic Party and the Hungarian Democratic Union of Romania (Decision to grant the Government confidence 42/2021, Annex 2 National minorities/ <i>Hotărârea nr. 42/2021 pentru acordarea încrederii Guvernului</i>) states that the Roma strategy will be adopted by the end of 2021. According to the National Agency for Roma (Agenția Națională pentru Romi – ANR) in an official response (Aug. 19, 2021) to an information request (from Aug. 9, 2021): “the document is in the process of institutional approval, the stage preceding the registration of the draft normative act on the agenda of the preparatory meeting of the government meeting, with the estimated time horizon for adoption during September”.</p>
<p>Please add a hyperlink if the strategy is publicly available.</p>	<p>http://www.anr.gov.ro/index.php/anr/proiecte-programe/703-strategie-incluziune-2020</p>
<p>Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference</p>	<p>There has been no evaluation of the Strategy of the Government of Romania for the Inclusion of Romanian Citizens belonging to the Roma Minority for the period 2015-2020 (<i>Strategia Guvernului României de Incluziune a Cetătenilor Români aparținând Minorității Rome pentru perioada 2015-2020</i>). According to the National Agency for Roma (Agenția Națională pentru Romi – ANR) in an official response (Aug. 19, 2021) to an information request (from Aug. 9, 2021) “the responsibility for reporting on the implementation of the Roma strategy rests with the National Contact Point for Roma, part of the Ministry of Investments and European Projects based on the reporting of line ministries. In 2018, ANR published an evaluation carried out for half of the implementation period (<i>Monitoring the implementation stage of measures</i></p>

	<p>found in the Romanian Government's strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2015-2020, respectively GD 18/2015 - Monitorizare stadiu implementare măsuri regasite în strategia Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2015-2020, respectiv HG 18/2015). Also, ANR plans to elaborate a report of the strategy implementation at the local/county level based on the data collected by the county offices for Roma, using a data collection system developed through a World Bank technical assistance program funded by the European Commission."</p>
<p>Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?</p>	<p>Partially</p>
<p>Was Roma civil society involved in the development of the strategy? Please provide examples?</p>	<p>Yes. The draft of the strategy was initiated and developed during the implementation by the NGO "Împreună" Agency under the project 'Coalition for Roma: elaboration and monitoring of public policies', co-financed from the European Social Fund through the Operational Programme Administrative Capacity 2014-2020, CODE SIPOCA 333 / SMIS2014 + 110998.</p> <p>The aim of the project was to increase the capacity of NGOs and social partners to actively participate in the development and monitoring of public policies aimed at Roma inclusion.</p> <p>It is reported by the "Împreună" Agency in its 2019 Annual Report (<i>2019 Raport Anual</i>) that it had managed to establish one of the largest Coalitions for Roma, consisting of over 70 Roma and pro-Roma organisations. The coalition set a common agenda by calling on policy makers to create coherent development policies and mechanisms to promote the history and ethnic identity of the Roma, as part of the Romanian identity heritage.</p> <p>The National Roma Agency has taken over public policy, which is a basis for the new Strategy for Roma Inclusion. The aim was to finalise the document in 2020, but the strategy is still currently just a draft.</p>
<p>Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?</p>	<p>Yes</p> <p>The National Roma Agency has taken over the public policy drafted by the Coalition for Roma and developed the document as the Strategy of the Government of Romania for the Inclusion of Romanian Citizens belonging to the Roma Minority for the period 2021-2027.</p>
<p>Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?</p>	<p>Yes</p>

Objective 1. Improving the living conditions of members of vulnerable Roma communities – will be funded by a mix of national, local and EU funds.

Objective 2. Ensuring the access of Romanian citizens of Roma ethnicity to a quality inclusive education system – measures that will be funded by national and local budgets.

Objective 3. Increasing the employment rate of Roma people in accordance with the market requirements in the sense of their professional development – will be funded by a mix of national, local and EU funds.

Objective 4. Improving the health of members of vulnerable Roma communities – will be funded by a mix of national and local “grants” (it is not clear from the document whether this refers to EU funds or other kinds of finance).

Objective 5. Supporting research, conservation and promotion of Roma cultural heritage and Roma cultural identity – will be funded by national and local budgets.

Objective 6. Specific measures: Combating discrimination, rhetoric and anti-Roma attitudes that generate hate speech or hate crimes – will be funded by national budgets.

According to the [document](#) published by the National Contact Point for Roma in September 2020, “The European Social Fund +, which finances social interventions, is allocated 26% of the total funds related to Cohesion Policy, and the interventions provided for in ESF-funded operational programs address the issue of vulnerable people, transversally and in an integrated manner”.

The document presents the main investments from EU funds 2021-2027: education (investments in ensuring that Roma children participate in pre-school, supporting Roma youth to complete at least upper secondary education, reducing early school leaving); employment (active measures to support Roma to enter the labour market, to cut the gender employment gap, and to cut the gap in the NEET rate); healthcare (improving access to quality healthcare for vulnerable groups); housing (infrastructure for social housing, and regulation of the legal status of informal settlements); anti-discrimination (interventions targeting upper secondary education); social services (increasing access to social services for the vulnerable population, the quality of social services, reducing the degree of social exclusion of vulnerable groups, increasing the capacity of the national social assistance system to respond to the needs of the vulnerable population).

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

1. There are no major legal and policy developments addressing Roma inclusion to be reported for 2021. The major policy development that should have been adopted in Romania in 2021 to address Roma inclusion is the Strategy of the Government of Romania for the Inclusion of the Romanian Citizens belonging to Roma Minority for the period 2021-2027. The anti-Gypsyism Law adopted on 4 January 2021 which establishes measures to prevent and combat anti-Gypsyism was not followed by measures to put it into practice. The Law defines anti-Gypsyism in Article 2 as “the perception of Roma expressed as hatred against them and the verbal or physical manifestations, motivated by hatred against Roma, directed against Roma or their property, against institutions / NGOs, leaders of Roma communities or their places of worship, traditions and the Roman language;”³⁶

2.

³⁶ Romania, Law No. 2/2021 regarding certain measures for preventing and combating anti-Gypsyism from 4 January 2021 (*Legea nr. 2/2021 privind unele măsuri pentru prevenirea și combaterea antițigănistului*), published in the Official Gazette No. 8/05.01.2021, available in Romanian at: <http://legislatie.just.ro/Public/DetaliuDocument/235923>. The Law provides in Article 3 that: “The act of promoting in public, in any way, anti-Gypsy ideas, concepts or doctrines is a crime and is punishable by imprisonment from 3 months to 3 years and the prohibition of certain rights.” Article 4 establishes that “The distribution or making available to the public, by any means, of news and information, anti-Gypsy materials is a crime and is punishable by imprisonment from one to five years.” Articles 5 and 6 provide for specific deeds:

“Article 5 (1) The manufacture, sale, distribution and possession of anti-Gypsy symbols are a criminal offense and shall be punishable by imprisonment from 3 months to 3 years and the prohibition of certain rights. (2) The use of anti-Gypsy symbols in public shall be sanctioned with the same punishment. (3) The deed provided in par. (1) or (2), if it is committed in the interest of art or science, research or education or for the purpose of debating matters of public interest does not constitute an offense.

Article 6 (1) It is an offense and punishable by imprisonment from 3 to 10 years and the prohibition of certain rights to initiate or establish an anti-Gypsy organization, to join or support, in any form, such a group. (2) If the facts provided in par. (1) were followed by the commission of an offense, the rules on concurrence of offenses shall apply. (3) The persons who committed the deeds provided in par. (1), if he denounces to the authorities the existence of the organization, before it has been discovered and the commission of any of the crimes falling within the scope of the group has begun. (4) If the person who committed one of the deeds provided in par. (1) and (2) facilitates, during the criminal investigation, the finding of the truth and the prosecution of one or more members of an organized criminal group, the special limits of the punishment are reduced by half.”

3. During the spring of 2021, the Romanian Government decided to give pupils (from kindergarten to high school) a long spring break by adding three more weeks, from 2 April to 4 May. The main reason for this decision was related to the epidemiological situation: the COVID infection rate was rising, and the medical system was close to collapse. This long spring vacation has negatively affected the school results of the poorest and most vulnerable children, who are also those who lost the most in terms of education during online schooling (9 November to 23 December 2020) because of limited or no access to online education due to the lack of the necessary equipment. The Ministry of Education organised remedial education³⁷ for these students. According to the [World Vision report](#) (March 2021) almost half of the teachers from rural areas who responded to a survey by the World Vision Romania Foundation consider that their students lost between 11 % and 45 % of the subject in the pandemic; in 9 % of cases, learning losses were major, up to 80 % in one school subject; one third declared that their students' grades deteriorated during online schooling.

4. A [Study on the perception of the Holocaust in Romania - April 2021](#), was published by the Romanian National Institute for the Study of the Holocaust in Romania "Elie Wiesel" and made by Avangarde on a sample of 900 adults from Romania, probabilistic, random, simple sample, CATI, $\pm 3,2\%$ for 95%. According to the survey, 46 % of respondents said that they would mind having a homosexual neighbour, 42 % would mind having a person of Roma ethnicity as a neighbour, 16 % would mind having a person of colour as a neighbour, and 5 % said that they would be disturbed by the possibility of having a Jew as their neighbour. So, Roma and homosexuals remain the two categories most rejected in Romania

Personally, when you hear the term Holocaust, what do you think?		
	Responses out of the entire sample %	
	the extermination of Jews in World War II	41
	Nazi concentration camps	15
	Mass deportations	11

³⁷ The Ministry of Education issued Order No. 3,300/19 February 2021 on the approval of the Methodological Norms for the application of the national pilot programme of the 'School after school' type, for students up to the 8th grade, inclusive ([Ordin nr. 3.300/19 februarie 2021 privind aprobarea Normelor metodologice de aplicare a Programului național pilot de tip „Școala după școală”, pentru elevii până la clasa a VIII-a, inclusive](#)) designed for students at risk of early school leaving and/or in a situation of school failure, especially students who did not have access or had poor access to educational activities carried out through technology and the internet, as well as students belonging to vulnerable groups. The recommendation of the ministry, contained in the order is to set up groups with an average of 12 students per group to participate in 20 hours of remedial activities per month per student, physically present in class.

	ghettos and camps in Transnistria	4	
	persecution and extermination of the Roma	3	
	Pogroms	1	
	gas chambers	1	
	Do not know/ Refuse to answer	25	
Please let us know if you personally would mind having a neighbour			
	Responses out of the entire sample %		
	Yes	No	Refuse to answer
Homosexual	46	40	14
Roma	42	46	12
Person of colour	16	73	11
Jew	5	85	10

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Romania	13 cessation (+2 cancellation)	Not specified	5 cessation (+10 cancellation)	Not specified

According to the answer provided by General Inspectorate for Immigration on 21.09.2021 and updated statistics as of October 2021. According to the Asylum Law,³⁸ revocation includes both cessation (according to Articles 14(1) and 11, as well as Articles 19(1) and 16 of Directive 95/2011) and cancellation of international protection (Article 14(3) and (4) as well as Article 19(3) of the same Directive).

Out of the total number of 35 cessations/cancellations in 2021, 13 were issued against Syrian nationals, 5 against Iraqi nationals and 4 against Iranian nationals.

³⁸ Law No. 122/2006 regarding asylum in Romania from 4 May 2006 (*Legea nr. 122/2006 privind azilul în România*), initially published in the Official Gazette No. 428/18.05.2006, the latest unofficial English translation (however not updated) available at: <http://www.refworld.org/docid/44ace1424.html>

Notes: In the domestic legislation, cessation also includes explicit renunciation by the beneficiary of international protection (Article 98(1)(g) and Article 99(1) of the Asylum Law). Revocation, ending of or renewal of refugee status on the grounds provided by Article 14(4) of the Qualification Directive, in case of domestic legislation includes also exclusion from both forms of international protection in case of terrorist acts (Articles 25(a) and 28(1)(e) of the Asylum Law) and danger to national security (Article 28(1)(d) of the Asylum Law); in these cases, cessation may be applied – in some instances, the international form of protection may be kept after removal from Romanian territory, according to Article 6(3) of the Asylum Law.

According to an interview with a JRS Romania representative on 11 September 2021, the two decisions on cancellation of refugee status were issued for two Iraqis who had been refused long-term residence status following the notification of the National Intelligence Service that they represent a threat to the national security. One of these decisions became final on 17 November 2021. There are no further details on the main reasons for the cessation of a form of international protection.

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Romania	Agreement on Modalities of Mutual Cooperation and	UNHCR Romania, General Inspectorate of Border Police,	N	Report published by Border Violence	21	No, the funding is provided entirely by UNHCR, under the project " <i>Border Management and</i>

	Coordination to support the Access of Asylum-Seekers to the Territory of, and the asylum procedures in Romania (26.08.2014) ³⁹	Jesuit Refugee Service Romania		Monitoring Network ⁴⁰		<i>Protection of Asylum-Seekers in Romania</i> "

According to interviews with a JRS Romania representative on 11.09.2021 and 23.11.2021.

³⁹ The current agreement is not published or available online; its previous version can be found in English at <https://www.unhcr.org/4aa0d5bd9.pdf>.

⁴⁰ Border Violence Monitoring Network (BVMN) (2021) 'Written Input for the 69th Session of the Committee on Economic, Social and Cultural Rights', submission, 18 October 2021, https://www.borderviolence.eu/wp-content/uploads/BVMN_CESCR_Romania.pdf

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

On 25 May 2021, the National Data Protection Supervisory Authority (Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal, ANSPSCP) issued an overview of its activity in the first four months of 2021.⁴¹ Some of the highlights of this analysis show that, in the first four months of 2021, ANSPSCP received 1,733 complaints, based on which the authority initiated 288 investigations and applied 15 fines, 37 warnings and 30 restorative measures. In the same period, it also initiated 133 *ex officio* investigations and received 352 requests to issue opinions on various issues relating to the interpretation and application of data privacy policies.

There was very little public debate over the use of the green pass (COVID vaccination status pass) and data privacy. The main comment has been from the European police trade union, Europol, which highlighted those policemen do not have phones or other state equipment to check the green pass in its current form. Secondly, the union highlighted that bartenders and other civilian who are authorised to check for the green pass, for example when someone enters a restaurant, club or public space, are gaining unlawful access to private data.⁴²

The Romanian Parliament is debating a draft bill on electronic communications, reportedly implementing Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic

⁴¹ National Data Protection Supervisory Authority (Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal) (2021), Sinteza activității ANSPDCP – primele patru luni ale anului, (Summary of ANSPDCP activity – first four months of 2021), 25 May 2021, available in Romanian at: https://www.dataprotection.ro/?page=Comunicat_Presa_25_05_2021&lang=ro.

⁴² Union of European Police Officers EUROPOL (*Sindicatul Polițiștilor Europeni EUROPOL*) (2021), press release, 23 September 2021, available in Romanian at: <https://sindicatueuropol.ro/certIFICATELE-DE-VACCINARE-NU-POT-FI-VERIFICATE-DE-POLITISTI/?fbclid=IwAR1BZCgqtaIBHA5pnf5anNZ1TBOxSIKIFDQgWIC7qEGPLRgA0d3RHu0RcvQ>.

Communications Code.⁴³ The draft document is 299 pages long and was under public consultation before being submitted to the Parliament. However, a domestic NGO found that a new provision had been added to the proposed bill, just before being submitted to Parliament, which obliges hosting operators and electronic communications operators to grant access to State institutions and secret services, to users' data and online activity, including to encrypted messages.⁴⁴ This led to several NGOs publicly calling for the said provisions to be withdrawn. The NGOs emphasised that the provisions under criticism were introduced into the proposed text without any previous public debate and that there are insufficient guarantees to ensure the respect of the right to privacy.⁴⁵

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Other projects	The Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>) launched a public consultation on	no	Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>), press release from 14.07.2021, available in Romanian at:

⁴³ Romania, PL-x nr. 428/2021- Draft Law on amending and supplementing normative acts in the field of electronic communications and on establishing measures to facilitate the development of electronic communications networks, *PL-x nr. 428/2021- Proiect de Lege pentru modificarea și completarea unor acte normative în domeniul comunicațiilor electronice și pentru stabilirea unor măsuri de facilitare a dezvoltării rețelelor de comunicații electronice*, available in Romanian at http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=19577.

⁴⁴ ApTI (2021), 'Broadening the interception of communications – secretly introduced by the Government' (*Lărgirea interceptării comunicațiilor – introdusă pe șest de Guvern*) December 2021, available in Romanian at: <https://www.apTI.ro/largirea-interceptarii-comunicatiilor-electronice-impusa-pe-sest>.

⁴⁵ NGOs for Citizens (2021), 'Remove proposals to extend the interception from the Communications Code Implementing Law!' (*Scoateți propunerile de extindere a interceptării din legea de implementare a Codului Comunicațiilor*), December 2021, available in Romanian at: <https://www.stareademocratiei.ro/2021/12/21/scoateti-propunerile-de-extindere-a-interceptarii-din-legea-de-implementare-a-codului-comunicatiilor/>.

		<p>the use of artificial intelligence in Romania. The consultation was carried out jointly with the Technical University of Cluj Napoca and was open from 14 July to 14 September. The results of the consultation will be used to develop Romania's strategic framework and financing opportunities in the field.</p>		<p>https://www.adr.gov.ro/adr-lanseaza-procesul-de-consultare-publica-privind-utilizarea-inteligentei-artificiale-in-romania/</p>
Government	Other projects	<p>The Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>) issued a report outlining the obstacles facing digitalisation in the public and private sphere in Romania.</p> <p>The analysis indicates the main barriers in the private sphere: low digital skills of the labour force, including in the management of small and medium enterprises, lack of funds for the financial transformation of small and medium sized companies.</p> <p>The main obstacles in the public spehre consist of the lack of an efficient IT infrastructure and skilled labour force, together with the lack of a coherent legal framework to support the digitalisation of public services.</p>	no	<p>Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>), press release from 21.04.2021, available in Romanian at: https://www.adr.gov.ro/autoritatea-pentru-digitalizarea-romaniei-a-finalizat-analiza-barierelor-digitalizarii-mediului-public-si-privat-din-romania/</p>

Government	Other projects	<p>The President of the Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>) adopted a decision by which it approved the norms regulating, recognising, approving and accepting long-distance video identification of individuals. This decision establishes the procedure by which individuals can be identified through video, when interacting with state institutions or even private actors.</p>	no	<p>Authority for Digitalizing Romania (<i>Autoritatea pentru Digitalizarea României, ADR</i>), press release of 25 November 2021, available in Romanian at: https://www.adr.gov.ro/decizi-a-presedintelui-adr-prin-care-sunt-aprobate-normele-privind-identificarea-la-distanta-utilizand-mijloace-video-a-fost-publicata-in-monitorul-oficial/?fbclid=IwAR1qudEpJQiZNEY1R12HCw9eSSf7022f7IroHEoKMQJyREEp6fRohZFjz8</p>
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID-19 to ensure the well-being of children living in poverty and the protection of children from violence

Following measures taken in the context of the COVID-19 pandemic, 2021 started with all schools and kindergartens being closed.⁴⁶ Education facilities re-opened on 8 February 2021 in the areas that were deemed to fulfil certain criteria, which were established by taking into consideration the number of COVID-19 infections. Until the end of the 2020-2021 year, education facilities continued functioning in three scenarios: all pupils coming to school daily (1), students coming to school following a rotating schedule, combining in-person attendance with online schooling (2) and online schooling (3).⁴⁷

Education facilities opened on 13 September 2021 for the 2021-2022 school year. Given the increase in the number of COVID-19 infections across the country, the autumn break was extended by a week; therefore, students did not go to school from 25 October 2021 to 7 November 2021. In the meantime, it was decided that, for all pre-university education institutions, courses would be carried out with students coming to school if at least 60 % of the unit's staff are vaccinated. As an exception, special schools are to be kept open irrespective of the rate of vaccination of the staff.⁴⁸

Moreover, on 23 September the Government adopted the national child support programme in the context of the COVID-19 pandemic, 'Caring for children'. This programme is aimed at ensuring that, given these special circumstances, the living conditions of children improve, children are protected from domestic violence and measures are taken to ensure their safety online.⁴⁹

⁴⁶ PROTV (2020), 'All schools in Romania will close on Monday. Orban: "The measures did not work"' ([Toate scolile din România se vor închide de luni. Orban : "Măsurile nu au dat rezultate"](#)), 5 November 2020.

⁴⁷ Romania, Ministry of Education and Research (*Ministerul Educației și Cercetării*), (2020) Newsletter: the dynamics of the functioning scenarios of the pre-university education units ([Buletin Informativ: dinamica scenariilor de funcționare a unităților de învățământ preuniversitar \(1 octombrie 2020\)](#)), 1 October 2020.

⁴⁸ Government of Romania – National Emergency Committee (*Guvernul României – Comitetul Național pentru Situații de Urgență*), (2021), Decision No. 99 of 05.11.2021 on the establishment of measures to be applied in educational establishments, in the context of the COVID-19 pandemic ([Hotărâre nr. 99 din 05.11.2021 privind stabilirea unor măsuri necesar a fi aplicate în unitățile de învățământ, în contextul pandemiei de COVID-19](#)), 5 November 2021.

⁴⁹ Government of Romania – [Emergency Ordinance No. 105/2021 of September 23 on the approval and implementation of the national child support programme, in the context of the COVID-19 pandemic – 'Caring for children'](#) (*Guvernul României - Ordonanță de urgență nr.*

In the meantime, children from poor families were found to be among the groups most discriminated against in schools, with 69 % of parents attesting to this. The other groups most discriminated against included overweight children, children with disabilities and Roma children.⁵⁰

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>Lending, upon request, laptops or tablets to pupils in need</p> <p>The Government adopted Law No. 109 of 3 July 2020,⁵¹ through which it guarantees access for teachers and students in need, upon request, to a device - laptop or tablet, connected to the internet. The measure is aimed at supporting e-learning activities, which might be necessary because of the pandemic. While € 150 million was reportedly allocated for this purpose,⁵² issues started arising with the implementation of the measure. For example, very restrictive conditions were imposed, such as awarding tablets primarily to children in families where there was no other device with an internet connection available and making devices available primarily for areas with a high number of COVID-19 cases. Moreover, the number of available devices did not meet the number of requests.⁵³ Such devices were also made available through private initiatives of companies or non-governmental organisations.⁵⁴ Funding is being allocated continuously for the purchase of tablets and IT equipment</p>
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[105/2021 din 23 septembrie 2021 privind aprobarea și implementarea Programului național de suport pentru copii, în contextul pandemiei de COVID-19 - "Din grijă pentru copii", 23 September 2021.](#)

⁵⁰ Edupedu (2021), 'Children with body weight problems, the most discriminated in school, according to parents - Survey of the Council for Combating Discrimination' ([Copiii cu probleme de greutate corporală, cei mai discriminați în școală, potrivit părinților – sondaj al Consiliului pentru Combaterea Discriminării](#)), 24 September 2021.

⁵¹ Romania, Law No. 109 of 3 July 2020 amending the National Education Law No. 1/2011 ([Legea nr. 109 din 3 iulie 2020 pentru completarea Legii educației naționale nr. 1/2011](#)), 3 July 2020 and Romania, Ministry of Education and Research (Ministerul Educației și Cercetării. Cabinet de Ministru) (2020), Order on the approval of the necessary electronic devices with Internet connection, as well as of the criteria for the distribution of these devices, purchased through the national programme 'Home Schooling' ([Ordin privind aprobarea necesarului de dispozitive electronice cu conexiune la Internet, precum și a criteriilor de repartizare a acestor dispozitive achiziționate prin Programul Național „Școala de Acasă”](#)), 20 July 2020.

⁵² Digi (2020) 'The government has allocated 150 million lei for tablets for students from disadvantaged backgrounds' ([Guvernul a alocat 150 de milioane lei pentru tablete destinate elevilor din medii defavorizate](#)), 8 May 2020.

⁵³ Edupedu (2020) 'Of the 250,000 tablets, none will reach teachers, although ministry officials announced that 1,900 teachers will receive such tools. Eliminator criteria for poor students: no one in the family should have a phone with an internet connection' ([Din cele 250 de mii de tablete, niciuna nu va ajunge la profesori, deși oficialii ministerului anunțau că și 1.900 de cadre didactice vor primi astfel de instrumente. Condiție eliminatorie pentru elevii săraci: nimeni din familie să nu aibă telefon cu internet](#)), 3 August 2020.

⁵⁴ See for example, World Vision Romania (2020), 'The wellbeing of children living in the rural area during the pandemic' ([Bunăstarea copilului din mediul rural în perioada pandemiei](#)), November 2020.

	<p>necessary for online education; for example EU funds are being made available specifically for this purpose.⁵⁵</p> <p>Overall however, this failed to cover the need, given the fact that online schooling was so widespread.</p> <p>It was therefore reported that 65,000 students abandoned their studies in the 2020-2021 school year.⁵⁶ It was estimated that 40 % of vulnerable children with a disadvantaged background did not attend online schooling.⁵⁷ Children living in rural areas were hit the hardest, given that one in three villages/towns in rural areas does not have access to the internet, or the signal is too weak for online teaching.⁵⁸ Moreover, 28 % of all children and 43 % of the teachers declared that they did not have the material resources necessary for online education. This deficit was 10 % higher in rural areas.⁵⁹</p> <p>The national child support programme in the context of the COVID-19 pandemic</p> <p>This programme aims to improve the living conditions of children, and as such is likely to have an impact on children living in poverty as well. Among the measures that might prove relevant are those related to facilitating access to psychological services for children. The psychological and psychotherapeutic intervention services carried out during the programme are paid for from the State budget.⁶⁰</p>
Measures to protect children from violence	The national child support programme in the context of the COVID-19 pandemic

⁵⁵ G4 Media (2021), 'Funding for 120 communes and cities for the purchase of tablets and IT equipment needed for online education' ([Finanțări pentru 120 de comune și orase pentru achiziția de tablete și echipamente IT, necesare învățământului online](#)), 3 August 2021.

⁵⁶ Radio Europa Liberă România (2021), '2020-2021. The effects of the pandemic on students. What psychologists say about children's condition' ([2020-2021. Efectele pandemiei asupra elevilor. Ce spun psihologii despre starea copiilor](#)), 11 March 2021.

⁵⁷ Mediafax (2021), 'The crisis in education after a year of pandemic. The effects of online schooling among disadvantaged students' ([Crisa educației după un an de pandemie. Efectele școlii online în rândul elevilor defavorizați](#)), 16 March 2021.

⁵⁸ Forbes Romania (2021), 'Imagine a country where you can find beautiful, clean and well-equipped schools even in villages' ([Imaginați-vă o țară în care până și la sate găsești școli frumoase, curate și bine dotate](#)), 2 August 2021.

⁵⁹ Editia de dimineata (2020), 'Worrying statistics: How many children in Romania do not have access to online education' ([Statistici îngrijorătoare: Câți copii din România nu au acces la educația online](#)), 21 October 2020 and Romanian Institute for Evaluation and Strategy (Institutul Român pentru Evaluare și Strategie) (2020), 'School in a state of emergency. Romanian children's access to online education' ([Școala în stare de urgență. Accesul copiilor școlari din România la educație online](#)), April 2020.

⁶⁰ <http://www.cdep.ro/proiecte/2021/300/70/9/oug512.pdf>.

	<p>On 23 September the Government adopted the national child support programme in the context of the COVID-19 pandemic: 'Caring for children'.⁶¹</p> <p>The programme includes the following measures relevant for the protection of children from violence.</p> <ul style="list-style-type: none"> - Facilitating access to psychological and psychotherapeutic therapies for children with difficulties. - Creating online resources for safety and protection against domestic violence, aimed at identifying the dangers and signs of violence and abuse. RON 11 million (approx. € 2.2 million) was allocated to the Romanian Police for the development of an electronic system aimed at identifying online child sex offenders.⁶² - Creating plans for reporting and assisting identified cases of child abuse and violence and creating an online resource platform for parents, children and teachers. <p>Moreover, on 5 January 2022, as part of the programme, a new emergency number was activated: 119. This number was created to support the reporting of cases of child abuse, exploitation and neglect. It can be used by children in situations of abuse, exploitation or neglect, and by parents, relatives or citizens who are aware of such cases.⁶³</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>The amendment of the Criminal Procedure Code</p> <p>Law No. 284/2020, for the amendment and completion of Law No. 135/2010 on the Criminal Procedure Code was adopted in December 2020; its purpose was to complete the transposition of Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.⁶⁴</p>
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⁶¹ Government of Romania – [Emergency Ordinance No. 105/2021 of September 23 on the approval and implementation of the national child support programme, in the context of the COVID-19 pandemic – 'Caring for children' \(Guvernul României - Ordonanță de urgență nr. 105/2021 din 23 septembrie 2021 privind aprobarea și implementarea Programului național de suport pentru copii, în contextul pandemiei de COVID-19 - "Din grijă pentru copii"\)](#), 23 September 2021.

⁶² <https://www.facebook.com/madalina.turza/posts/4484428501664561>.

⁶³ <https://www.facebook.com/madalina.turza/posts/4749347308506011>.

⁶⁴ Romania, Draft law on some measures for the transposition into national legislation of EU Directive 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural guarantees for children who are suspected or accused persons in criminal proceedings (*Proiectul de lege privind unele măsuri pentru transpunerea în legislația națională a Directivei UE 2016/800 a Parlamentului European și a Consiliului din 11 mai 2016 privind garanțiile procedurale pentru copii care sunt persoane suspectate sau acuzate în cadrul procedurilor penale*), February 2019.

	<p>The deadline for transposing the Directive had been on 11 June 2019.</p> <p>The main amendments concern the provisions related to the minor's right to information, the right to individual assessment and medical evaluation, and the right of the minor's parents or guardians to information. Law No. 284/2020 ensures the transposition of Art. 2 (3), Art. 3 final paragraph, Art. 4 (1)(a)(i), (iii), (iv), 4 (1)(b) and (c), Art. 4 (2), Art. 5, Art. 7 (5) and (8), Art. 8 (2), Art. 15 (2) - (4) and Art. 22 of the Directive.</p>
Policy developments	<p>The Council of Magistracy report on investigating and dealing with allegations of sexual violence and abuse where the victims are minors</p> <p>The Superior Council of Magistracy, through its judiciary inspection body, carried out an in-depth assessment of the manner in which prosecutors and judges deal with allegations of sexual violence and abuse against minors.⁶⁵</p> <p>The findings include the following.</p> <ul style="list-style-type: none"> - When assessing whether a crime was committed or not, besides the age of the victim and in addition to the statements of the defendant and the victim, other factors were taken into consideration, such as the physical constitution of the victim, the victim's conduct before and after the act and record of the victim, conversations between the parties.⁶⁶ - While it was generally considered during investigations that children under 12 cannot consent to sexual activities, there were cases where it was found that they do.⁶⁷ - While it was generally considered that if the victim had psychosocial disabilities they could not consent to sexual activities, there were cases where it was found that the crime did not exist if the defendant proved they had no knowledge about the health status of the victim.⁶⁸ - There were cases where the criminal proceedings were terminated because it was found that the defendant was not aware of the real age of the victim, having thought they were older.⁶⁹ - In certain categories of the population, particularly in Roma communities, there is a practice of concluding marriages with minor children; such situations are usually identified because of the reports submitted by the doctors these children go to

⁶⁵ Superior Council of Magistracy Judicial Inspectorate (Consiliul Superior al Magistraturii. Inspectia Judiciară) (2021), Report on the practice of courts and prosecutor's offices attached to them in the investigation and dealing with cases related to crimes against sexual life with minor victims ([Raport privind practica instanțelor de judecată și a parchetelor de pe lângă acestea în investigarea și soluționarea cauzelor privind infracțiuni la viața sexuală cu victime minore](#)), March 2021.

⁶⁶ *Ibid.*, pp. 279-280.

⁶⁷ *Ibid.*, p. 281.

⁶⁸ *Ibid.*, p. 281.

⁶⁹ *Ibid.*, p. 281.

	<p>when they give birth, have abortions or need to deal with sexually transmitted diseases. In such cases there are generally no proceedings initiated against the adults, usually parents or relatives, who are involved in arranging such marriages.⁷⁰</p> <ul style="list-style-type: none"> - Compared to the number of complaints submitted for such crimes, the number of people who have to stand trial for them is very small.⁷¹ - Most judges dealing with such cases lack specific training on the matter.⁷² <p>The report included the following recommendations:⁷³</p> <ul style="list-style-type: none"> - the presence of a psychologist or of another specialist at the hearing of the victims should become mandatory; - the psychological evaluation of victims should become mandatory; - the hearings conducted in such cases should never be public; - ensuring that the victim always has access to a lawyer by annulling the declarations given in a lawyer's absence; - providing specialised training to all those involved in the investigations and trials related to such cases; - developing a national strategy on minors in the justice system.
Other measures or initiatives	<p>Training for judges and prosecutors on dealing with crimes committed by or against minors</p> <p>In its 2021 continuing education programme, the National Institute of Magistracy (Institutul Național al Magistraturii) included a specific set of courses, including a summer school, called 'Justice for minors'.⁷⁴ This set of courses examined issues such as holding hearings with minors and dealing with sexual abuse and violence committed against minors.</p>

⁷⁰ *Ibid.*, pp. 281-282.

⁷¹ *Ibid.*, p. 284.

⁷² *Ibid.*, pp. 294-295.

⁷³ *Ibid.*, pp. 322-323.

⁷⁴ National Institute of Magistracy (Institutul Național al Magistraturii) (2021), 'Continuing education programme 2021' ([Programul de formare continuă 2021](#)).

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

The Romanian Ministries of Labour, of Justice and of the Interior developed a joint methodology on evaluating and intervening in offering support and protection to victims of crimes.⁷⁵ The methodology establishes how to identify victims of crimes, either when they self-identify as such or when they are identified because of physical or psychological signs of trauma. It explains how a victim is informed of their rights, how the evaluation is carried out and how services are offered to victims. The methodology implements existing legislation and describes in more detail how institutions collaborate in providing services to victims of crimes. The methodology also specifies how the special registry of victims of crimes is to be set up, how data is to be compiled and communicated in order to have a clear picture, with general indicators for victims who are referred to services and specific indicators for children and victims of human trafficking. Moreover, the methodology provides for extensive training for civil servants, including police officers who have contact with victims of crimes. In 2019, Romania established a new department within the social assistance services, with responsibility for providing services to victims of crimes (*Serviciul pentru sprijinirea victimelor infracțiunilor*).⁷⁶ In 2021, the Ministry of Labour issued an order outlining the minimum standards these services need to observe in order to obtain a licence to function.⁷⁷

7.2 Measures addressing violence against women

⁷⁵ Romania, Methodology of 12 February 2021 for multidisciplinary and inter-institutional evaluation and intervention in providing support and protection services for victims of crime, Approved by Order No. 173/65/3.042/C/2021, of 11 June 2021 (*Metodologie din 12 februarie 2021 de evaluare și intervenție multidisciplinară și interinstituțională în acordarea serviciilor de sprijin și protecție pentru victimele infracțiunilor, Aprobată prin ordinul nr. 173/65/3.042/C/2021, din 11 iunie 2021*).

⁷⁶ Romania, Government Emergency Ordinance No. 24/2019 modifying Law No. 211/2004 on measures to ensure the protection of victims of crimes (*OUG nr. 24/2019, pentru modificarea și completarea Legii nr. 211/2004 privind unele măsuri pentru asigurarea protecției victimelor infracțiunilor, precum și a altor acte normative*), 10 April 2019, Art. 5.

⁷⁷ Romania, Order No. 256/2.017/C/2021 for the approval of the minimum quality standards under which the operating license for the support of victims of crime, (*Ordin nr. 256/2.017/C/2021 pentru aprobarea standardelor minime de calitate în baza cărora se acordă licența de funcționare a serviciului pentru sprijinirea victimelor infracțiunilor*) of 11 June 2021.

The Judicial Inspectorate (Inspekția Judiciară) made a report on how cases involving sexual violence against underaged women (younger than 18) are handled by courts and prosecutor's offices across the country.⁷⁸ The publication of the report was approved by the Superior Council of Magistracy (Consiliul Superior al Magistraturii, CSM).

The report shows a series of shortcomings in how these crimes are investigated and tried. One aspect is the lack of an appropriate infrastructure, such as specially adapted rooms and recording equipment to use when the victim is questioned, as well as a lack of specialised training. The report also shows that there is no clear methodology on how to question an underaged victim, given that the law does not properly sanction the questioning of a victim without a lawyer present. This leads to situations in which victims are questioned several times, and are sometimes questioned without a lawyer present, or without a parent/guardian. Other times they are questioned in front of people who might re-traumatise them, in specific cases this may be even a parent, and in many cases, they are questioned in front of the perpetrator and their lawyer.

Based on this report, the CMS proposed that the Criminal Code be changed and that any sexual acts with children younger than 14 years old should be considered rape.⁷⁹

In September 2021, a new legislative proposal was registered in Parliament that would implement the recommendations listed above.⁸⁰ The legislative proposal would specify that any sexual acts with a minor younger than 14 is considered rape.

The Romanian Government adopted a national strategy on preventing and combating sexual violence, together with an action plan.⁸¹ The strategy primarily

⁷⁸ Romania, Judicial Inspectorate (2021) Report - The practice of courts and prosecutor's offices attached to them in investigating and resolving cases of crimes against sexual life with minor victims, mixed topic no. 20-2770 / 20-2771 (Raportul Inspekției Judiciare - tematic mixt nr.20-2770/20-2771 privind "Practica instanțelor de judecată și a parchetelor de pe lângă acestea în investigarea și soluționarea cauzelor privind infracțiuni la viața sexuală cu victime minore"). Approved on 27 July 2021, available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=1c656a33-bd25-4118-85f1-6411fdeb1c4f-InfoCSM>.

⁷⁹ Romania, Superior Council of Magistracy, opinion 5773/2021 of 15 June 2021, available in Romanian at: <https://www.csm1909.ro/ViewFile.ashx?guid=204ed70b-2393-4eb1-ad76-6fcb50fb2683-InfoCSM>.

⁸⁰ Romania, Law proposal B431/2021 on modifying the Criminal Code (*Propunere legislativă pentru modificarea și completarea Codului Penal B431/2021*), available in Romanian at: https://senat.ro/legis/lista.aspx?nr_cls=b431&an_cls=2021.

⁸¹ Romania, Government Decision No. 592 of 27 May 2021, on the approval of the National Strategy for preventing and combating sexual violence 'SINERGIE' 2021-2030 and of the Action Plan for the implementation of the National Strategy for preventing and combating sexual violence 'SINERGIE' 2021-2030 (*Hotărâre nr. 592 din 27 mai 2021, privind aprobarea Strategiei naționale pentru prevenirea și combaterea violenței sexuale "SINERGIE" 2021-2030 și a Planului de acțiuni pentru implementarea Strategiei naționale pentru prevenirea și combaterea violenței sexuale "SINERGIE" 2021-2030, Guvernul României*).

deals with preventing sexual violence, but it also addresses cyberviolence. Some of its main measures are:

- training for all relevant categories of professionals (teachers, doctors, psychologists, police, judges, prosecutors, social workers, etc.), as well as representatives of NGOs working in the field, on the prevention and combating of sexual violence in all forms including acts committed online;
- creation of educational content for mainstream education at all levels, adapted according to age, on the topic of preventing and combating sexual abuse of any type and in any environment, including online;
- annual information and awareness-raising activities on preventing and combating sexual violence addressed to journalists, bloggers and vloggers whose activity has an impact on children and adolescents;
- analysis of the current legislative framework on the dissemination of sexual content with regard to the need to ensure safety in the online environment, and to combat pornography, revenge pornography, harassment and blackmail;
- analysis of the need to set up national police cyber-patrol services/units;
- improved collection of disaggregated data by sex and age, relationship with the aggressor, of complaints and their resolution.

In Romania, the Criminal Code was modified and the statute of limitation for criminal liability was lifted for the following crimes: slavery (Article 209), human trafficking (Article 210), child trafficking (Article 211), pandering (Article 213), rape (Article 2018), sexual aggression (Article 219), sexual acts with a minor (Article 220) and torture (Article 282).⁸² There is currently no statute of limitation for these crimes.

A Romanian NGO looked at the effects of the pandemic on women, including in relation to domestic violence.⁸³ Its report shows that there has been an increase in the number of women seeking the services of NGOs and of state institutions working on domestic violence.⁸⁴ There was a notable increase in the number of people who visited the websites of NGOs who provide services for victims of domestic violence; for example, the website of ALEG (the Association for Liberty

⁸² Romania, Law No. 186 of 1 July 2021 for amending and supplementing Law No. 286/2009 regarding the Criminal Code (*Lege nr. 186 din 1 iulie 2021 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal*).

⁸³ Centrul Filia (2021) *The experience of women during the pandemic (Experiențele femeilor în pandemie)* January 2021, available in Romanian at: https://coronavirus.centrulfilia.ro/wp-content/uploads/2021/01/Raport_Online.ro-1.pdf.

⁸⁴ Centrul Filia (2021), *The experience of women during the pandemic*, January 2021, pp. 57-59.

and Gender Equality) had three times as many visitors between March and May 2020 compared to the same period in the previous year.⁸⁵

There was a clear increase in aggressions and restraining orders, as well as a 19 % increase in sexual acts with minors.⁸⁶ The NGO also had an online opinion poll to which 86 % of women who responded said that since the beginning of the pandemic they no longer feel safe at home.⁸⁷

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

As highlighted in the 2021 annual report, on 16 July 2020, the Romanian Constitutional Court declared the guardianship system unconstitutional.⁸⁸ On 4 November 2020, the same court found that the provision regulating the supervision of the acts conducted by the guardians was also unconstitutional.⁸⁹

A working group was established within the Ministry of Justice, with the objective of reviewing and reforming the guardianship system. On 29 July 2021, as a result of its work, a first draft law for reforming the guardianship system was published by the Ministry of Justice.⁹⁰ Its approach to supported decision making was extremely limited, with its supporters claiming at that point that alternatives to guardianship were to be introduced subsequently. This initial draft was

⁸⁵ Centrul Filia (2021), The experience of women during the pandemic, January 2021, p. 58.

⁸⁶ Centrul Filia (2021), The experience of women during the pandemic, January 2021, p. 59.

⁸⁷ Centrul Filia (2021), The experience of women during the pandemic, January 2021, p. 61.

⁸⁸ Romania, Constitutional Court (*Curtea Constituțională*), Decision No. 601 of 16 July 2020 regarding the exception of unconstitutionality of the provisions of Art. 164 (1) of the Civil Code ([Decizia nr.601 din 16 iulie 2020 referitoare la excepția de neconstituționalitate a dispozițiilor art.164 alin.\(1\) din Codul civil](#)), published on 27 January 2021.

⁸⁹ Romania, Constitutional Court (*Curtea Constituțională*), Decision No. 795 of 4 November 2020 regarding the exception of unconstitutionality of the provisions of Art. 229 (3) of Law No. 71/2011 for the implementation of Law No. 287/2009 on the Civil Code ([Decizia nr.601 din 16 iulie 2020 referitoare la excepția de neconstituționalitate a dispozițiilor art.164 alin.\(1\) din Codul civil](#)), published on 28 December 2020.

⁹⁰ Romania, Ministry of Justice (2021), The draft law for amending and supplementing Law No. 287/2009 on the Civil Code, Law No. 134/2010 on the Civil Procedure Code, as well as other normative acts ([Proiectul de Lege pentru modificarea și completarea Legii nr. 287/2009 privind Codul civil, a Legii nr.134/2010 privind Codul de procedură civilă, precum și a altor acte normative](#)), 29 July 2021.

substantially amended. A new version of the draft law⁹¹ was adopted by the Government in December 2021 and sent to the Parliament, where it is currently pending. This final draft law does not fully abolish guardianship, but instead creates a form of special guardianship, to be imposed only in exceptional circumstances. It also provides for the possibility to partially deprive people of legal capacity, and for the ability to receive assistance when exercising legal rights, without being deprived at all of legal capacity. The draft law gives people subjected to such measures more rights regarding marriage, divorce, adoption and parental rights.

The reform of the guardianship system continues to be a work in progress; it is hard to estimate when this process will come to an end and what its outcomes will be.

In the meantime, some civil society organisations have adopted a more progressive approach. The Centre for Legal Resources (Centrul de Resurse Juridice) has initiated a pilot project to establish and test four models of supported decision making in collaboration with private social services providers. These services will be promoted at the legislative level as alternatives to guardianship.⁹²

Concerning the deinstitutionalisation of people with disabilities, on 13 February 2020, the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (ANDPDCA) launched 'People with disabilities - the transition from residential to community services', a project to be carried out until 6 July 2022.⁹³ Its objectives include the development of public policy proposals to prevent institutionalisation and of tools for monitoring and setting standards in the field of social services for adults with disabilities. Reports about the implementation of this project make reference only to the finalisation of tools and methodologies.⁹⁴

The number of people with disabilities living in residential institutions decreased from March 2020 to June 2021 by around 4 %, from 17,496 to 16,738.⁹⁵ The number of public social assistance institutions for adults with disabilities, as of 30

⁹¹ Available here: https://sgg.gov.ro/1/wp-content/uploads/2021/12/LG-3.pdf?fbclid=IwAR2BalsB9YuHghsyxc6VG-T_t9jnxk0uIIA-B7fjXmpdaWx8MScDuL532mg.

⁹² See the website of the Centre for Legal Resources: <https://www.crj.ro/pledoarie-pentru-demnitate/liber-sa-decid/despre-proiect-liber-sa-decid/>.

⁹³ Romania, Ministry of Labour and Social Protection, National Authority for the Rights of Persons with Disabilities, Children and Adoptions (Ministerul Muncii și Protecției Sociale. Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții) (2020), press release following the launch of the project 'People with disabilities - the transition from residential to community services', (*Comunicat de presă în urma desfășurării Conferinței de lansare a proiectului "Persoane cu dizabilități – tranziția de la servicii rezidențiale la servicii în comunitate"*), press release, 14 February 2020.

⁹⁴ See the ANDPDCA website: http://andpdca.gov.ro/w/wp-content/uploads/2021/02/11-Livrabil-subactivitatea-A6.1_componenta-privind-Metodologia-de-reorganizare-a-planurilor-de-restructurare.pdf and <http://andpdca.gov.ro/w/wp-content/uploads/2021/02/8-Informatii-subactivitatea-A-1.1-Metodologia-pentru-colectare-date.pdf>

⁹⁵ See the ANDPDCA website: <http://andpdca.gov.ro/w/wp-content/uploads/2021/10/BULETIN-STATISTIC-adulti-cu-DIZABILITATI-evolutii-trim-II-2021-.pdf>

June 2021, is 511 (compared to 500 in March 2020), of which 456 are residential settings (compared to 444 in March 2020) and 55 are full-time non-residential settings (compared to 56 in March 2020). A total of 954 people with disabilities live in sheltered housing.

Of the 456 residential institutions for adults with disabilities, 77 have more than 50 residents. According to the authorities, all these 77 centres are in the process of restructuring.⁹⁶ Settings with fewer than 50 residents, although also considered to be institutions according to the UN CRPD, are currently not targeted by restructuring policies. Besides these, there are also 270 residential centres for children with disabilities (259 public service institutions and 11 private ones). There were 3,848 children living in these institutions on 31 March 2021 (518 fewer than in March 2020).⁹⁷

In addition, legal provisions were amended in order to advance deinstitutionalisation. In October 2021, the Government adopted Emergency Ordinance No. 114/2021⁹⁸ and Decision No. 1.137/2021⁹⁹ for the amendment of legal provisions in the field of protection of the rights of persons with disabilities. The Government had allocated RON 74.5 million to be spent on deinstitutionalisation in 2018-2020. Given the slow pace of the implementation of the action plan, this period was extended to 2022. According to the initial action plan, the funds were to be spent as follows: RON 31.9 million in 2019 and RON

⁹⁶ Romania, Ministry of Labour and Social Protection, National Authority for the Rights of Persons with Disabilities, Children and Adoptions (Ministerul Muncii și Protecției Sociale. Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții) (2021), *Statistical data (Date statistice)*, 31 March 2021.

⁹⁷ http://www.mmuncii.ro/j33/images/buletin_statistic/copil_I_2021.pdf

⁹⁸ Government of Romania, Emergency Ordinance No. 114/2021 for the amendment of some normative acts, as well as the regulation of some measures in the field of protection of the rights of persons with disabilities (*Guvernul României - Ordonanța de urgență nr. 114/2021 pentru modificarea unor acte normative, precum și reglementarea unor măsuri în domeniul protecției drepturilor persoanelor cu dizabilități*), 4 October 2021.

⁹⁹ Government Decision No. 1.137/2021 for the amendment of the annex to Government Decision No. 798/2016 on the approval of the programme of national interest in the field of protection and promotion of the rights of persons with disabilities 'Establishment of social services such as day centres, respite centres, crisis centres and sheltered housing to deinstitutionalise persons with disabilities in old institutions and for the prevention of the institutionalisation of persons with disabilities in the community' and for the modification of the annex to Government Decision No. 193/2018 on the approval of the programme of national interest in the field of protection and promotion of the rights of persons with disabilities 'Establishment of social services to ensure the transition of young people with disabilities from the special child protection system to the system of protection of adults with disabilities' (*Hotărârea nr. 1.137/2021 pentru modificarea anexei la Hotărârea Guvernului nr. 798/2016 privind aprobarea programului de interes național în domeniul protecției și promovării drepturilor persoanelor cu dizabilități "Înființarea de servicii sociale de tip centre de zi, centre respiro/centre de criză și locuințe protejate în vederea dezinstituționalizării persoanelor cu dizabilități aflate în instituții de tip vechi și pentru prevenirea instituționalizării persoanelor cu dizabilități din comunitate" și pentru modificarea anexei la Hotărârea Guvernului nr. 193/2018 privind aprobarea programului de interes național în domeniul protecției și promovării drepturilor persoanelor cu dizabilități "Înființarea de servicii sociale în vederea asigurării tranziției tinerilor cu dizabilități de la sistemul de protecție specială a copilului către sistemul de protecție a persoanelor adulte cu dizabilități"*), 22 October 2021.

42.5 million in 2020. In practice however, only RON 1.5 million of the available funds were spent in 2019, while in 2020 this figure dropped even further, to RON 0.93 million. Currently, the Government is planning to have spent RON 33.8 million by the end of 2021, with RON 38.2 million available to be spent for deinstitutionalisation in 2022.¹⁰⁰

Other amendments include the modifications of some provisions related to sanctions. For example, previously, if service providers were found to fail to comply with specific quality standards they could receive a fine or have their operating permit suspended or withdrawn, however, from October 2021 the most that such providers can expect is a fine. At the same time, Emergency Ordinance No. 114/2021 provides that all institutions with more than 50 residents must submit, by 31 December 2021, a plan for reorganisation and restructuring. Moreover, it provides that in the following two years, all institutions with more than 50 residents will see a reduction in the funding coming from the central budget; such funding will no longer be available from January 2024. Funding for such institutions will continue to be available from the county authorities' budgets.

The deinstitutionalisation process is therefore still ongoing: 2021 was a year in which new tools and materials were developed,¹⁰¹ and more of the available budget seems to have been spent, particularly in comparison with 2019 and 2020.

The Romanian National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării - CNCD) issued an important judgment for inclusive education. In its decision No. 561 of 21 July 2021, it dealt with a case concerning twin brothers who, after obtaining different scores when following the admission procedure, were put in different departments within the same faculty. One of them is a student with special educational needs. He claimed that he was discriminated against because no special places for students with disabilities were made available by the university on the course that he wanted to study.

The CNCD found that there is an obligation for the State to adopt special measures in college admissions in relation to people with special educational needs/disabilities. It therefore ordered the Ministry of Education to establish places that are specifically available to this socially disadvantaged and marginalised group.

Observations regarding COVID-19

¹⁰⁰ Government Decision No. 798/2016 on the approval of the programme of national interest in the field of protection and promotion of the rights of persons with disabilities 'Establishment of social services such as day centres, respite centres, crisis centres and sheltered housing to deinstitutionalise persons with disabilities in old institutions and for the prevention of the institutionalisation of persons with disabilities in the community' with its subsequent amendments.

¹⁰¹ See the ADPDCA website: <http://andpdca.gov.ro/w/persoane-cu-dizabilitati-tranzitia-de-la-servicii-rezidentiale-la-servicii-in-comunitate-2/>

Concerning residential institutions for children, including children with disabilities, for the period 1 January 2021 to 15 November 2021, 2,010 members of the staff were infected with COVID-19, out of whom 6 died, while 1,742 child residents were infected in the same period, with no deaths being reported.¹⁰²

Concerning residential institutions for adults with disabilities, for the period 1 January 2021 to 15 November 2021, 1,670 members of the staff were infected with COVID-19, out of whom 4 died, while 1,161 residents were infected in the same period, out of whom 48 died.¹⁰³

In relation to vaccination, the situation on 15 November 2021 was as follows: in residential institutions for children, out of the total number of 11,734 employees, 7,637 (65.08 %) have been vaccinated. Out of the total number of 7,536 child residents aged over 12, 4,014 (53.26 %) have been vaccinated.¹⁰⁴

In residential institutions for adults with disabilities, out of the total number of 14,274 employees, 9,900 (69.36 %) have been vaccinated. Out of the total number of 16,505 residents, 14,953 (90.60 %) have been vaccinated.¹⁰⁵

No data regarding the number of infections with COVID-19 or the number of vaccinations carried out among people with disabilities who live in the community has been made available. Moreover, most of the debates and measures adopted in relation to people with disabilities in the context of the pandemic referred to people in institutional care, addressing the problems faced by people living in the community to a much lesser extent.

One of the few measures that seemed to be more inclusive of those living in the community is the creation, with the support of EU funds, of a special helpline for the elderly and people with disabilities. Under this initiative, 1,000 social workers were to be available, from 19 June 2020, to offer a variety of types of information and support, such as buying medication and preparing documents or files necessary for interaction with various public institutions.¹⁰⁶

¹⁰² See the ADPDCA website: <http://andpdca.gov.ro/w/wp-content/uploads/2021/11/Date-site-info-COVID-15-noiembrie-2021.pdf>.

¹⁰³ See the ADPDCA website: <http://andpdca.gov.ro/w/wp-content/uploads/2021/11/Date-site-info-COVID-15-noiembrie-2021.pdf>.

¹⁰⁴ See the ADPDCA website: <http://andpdca.gov.ro/w/wp-content/uploads/2021/11/Date-site-vaccinare-15-noiembrie-2021.pdf>.

¹⁰⁵ See the ADPDCA website: <http://andpdca.gov.ro/w/wp-content/uploads/2021/11/Date-site-vaccinare-15-noiembrie-2021.pdf>.

¹⁰⁶ Romania, Ministry of European Investments and Projects (Ministerul Investițiilor și Proiectelor Europene) (2020), '021/9998, the number which vulnerable people affected by the pandemic can call starting today' (*021/9998, numărul la care persoanele vulnerabile afectate de pandemie pot suna începând de astăzi*), 19 June 2020.

8.2 CRPD monitoring at national level

The coordination mechanism established for the implementation of Article 33 (1) is ensured by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (ANDPDCA). In 2016, Romania also established the Council for Monitoring the Implementation of the UN CRPD, following the obligation related to the framework to promote, protect and monitor implementation of the CRPD – Article 33 (2).¹⁰⁷ Until 2019, both these mechanisms were carrying out some activities, although they were barely publicly visible and were known for their lack of collaboration with civil society. Since then, both bodies have become more active and visible.

The monitoring system is currently undergoing changes.

Emergency Ordinance No. 121 of 21 November 2021¹⁰⁸ provided for the reorganisation of the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, returning it to a form similar to the one it used to have prior to 2019. It was divided into two different entities: the Authority for the Protection of Persons with Disabilities and the Authority for the Protection of the Rights of the Child and for Adoption. The Authority for the Protection of Persons with Disabilities is to take over the activities, positions, staff and the corresponding roles in the field of protection and promotion of the rights of persons with disabilities. This reorganisation is ongoing.

As for its activities during 2021, the ANDPDCA has used EU funds to strengthen its capacities as a coordination mechanism, implementing a project with this specific objective from 25 January 2019 to 25 November 2021.

As part of this project, the Authority produced the draft of the 2021-2027 national strategy on the rights of persons with disabilities.¹⁰⁹ This strategy has yet to be adopted. It also created a plan to monitor the strategy's implementation and conducted a training event aimed at improving the knowledge and skills of the

¹⁰⁷ Romania, Law No. 8/2016 regarding the establishment of the mechanisms provided by the Convention on the Rights of Persons with Disabilities (*Legea nr. 8/2016 privind înființarea mecanismelor prevăzute de Convenția privind drepturile persoanelor cu dizabilități*), 18 January 2016.

¹⁰⁸ Romania, Emergency Ordinance No. 121/2021 regarding the establishment of some measures at the level of the central public administration and for the modification and completion of some normative acts (*Ordonanța de urgență nr. 121/2021 privind stabilirea unor măsuri la nivelul administrației publice centrale și pentru modificarea și completarea unor acte normative*), 25 November 2021.

¹⁰⁹ ANDPDCA, Ministry of Labour and Social Protection (2020) 'Proiect de Hotărâre a Guvernului pentru aprobarea Strategiei naționale privind drepturile persoanelor cu dizabilități 2021-2027 și a Planului operațional privind implementarea strategiei naționale privind drepturile persoanelor cu dizabilități 2021-2027', available at: <https://mmuncii.ro/j33/index.php/ro/transparenta/proiecte-in-dezbatere/6259-proiect-de-hotarare-pentru-aprobarea-strategiei-naționale-privind-drepturile-persoanelor-cu-dizabilit%C4%83ti-2021-2027>.

staff of the central public authorities in relation to the use of the standards developed within the project.¹¹⁰

ANDPDCA was active in responding to the COVID-19 crisis. On 10 March 2020, ANDPDCA created its own 'crisis cell',¹¹¹ which aimed to ensure the process of coordination and management of the crisis situation generated by the COVID-19 epidemic. It used this to set up processes for real-time communication, coordination with the country's general directorates for social protection and data collection mechanisms. Recommendations, circulars and methodological guidelines on managing and combating the spread of the COVID-19 virus in residential and community social services are being issued constantly.

ANDPDCA has regularly published information regarding the number of COVID-19 infections registered in residential institutions, as well as information related to the vaccination rates in such centres.¹¹² It seems to have been focusing mostly on people with disabilities in residential care and has failed to offer information in relation to people with disabilities living in the community.

The Council for Monitoring the Implementation of the UN CRPD remains controversial. On the one hand, it conducts monitoring visits and takes steps in relation to its findings and publishes information about its activities.¹¹³ In 2021, it also started publishing information about the meetings it organises, seeming to involve members of the civil society in its activities for the first time.¹¹⁴ On the other hand, it has been constantly criticised by civil society and some politicians. In February 2021, its head was dismissed by the Parliament, following the inadequacy of the Council's activity reports.¹¹⁵ A new head was appointed, but allegations of inadequacy continue. Some claim that the Council is being led by unqualified, politically nominated individuals, as indicated by the complaint filed by one of the parliamentary parties with the Constitutional Court.¹¹⁶ Moreover, a proposal to have the Council absorbed by the Romanian Ombudsperson (Avocatul

¹¹⁰ Romania, Ministry of Labour and Social Protection (2020) 'Consolidarea mecanismului de coordonare a implementării Convenției ONU privind drepturile persoanelor cu dizabilități', press release,

<http://anpd.gov.ro/web/despre-noi/programe-si-strategii/consolidarea-mecanismului-de-coordonare-a-implementarii-conventiei-onu-privind-drepturile-persoanelor-cu-dizabilitati/>.

¹¹¹ See the ANDPDCA website: <http://andpdca.gov.ro/w/info-covid-19-2/>.

¹¹² See: <http://andpdca.gov.ro/w/info-covid-19-2/>.

¹¹³ <https://www.consiliuldemonitorizare.ro/rapoarte-de-monitorizare/#1622188041544-44c10655-f3dc>.

¹¹⁴ Council for Monitoring the Implementation of the UN CRPD (2021) Minutes, 23.07.2021.

<https://www.consiliuldemonitorizare.ro/wp-content/uploads/2021/07/Minut%C4%83-%C3%AEnt%C3%A2lnire-22-iulie.pdf>.

¹¹⁵ Romanian National News Agency, Centre for Legal Resources (2021), press release, <https://www.agerpres.ro/comunicate/2021/02/18/comunicat-de-presa-centrul-de-resurse-juridice-663725>.

¹¹⁶ G4Media (2021) 'Sesizarea privind numirea șefului Consiliului de monitorizare a respectării drepturilor persoanelor cu dizabilități, pe masa CCR', 7.07.2021, available at: <https://www.g4media.ro/sesizarea-privind-numirea-sefului-consiliului-de-monitorizare-a-respectarii-drepturilor-persoanelor-cu-dizabilitati-pe-masa-ccr.html>.

Poporului) is currently pending before the Parliament, with some chances of success.¹¹⁷

In conclusion, the monitoring of the CRPD is realised by two bodies, which have improved their performance over time.

¹¹⁷ See: <https://www.ces.ro/newlib/PDF/proiecte/2021/plx576.pdf>.

ANNEX 1- PROMISING PRACTICES

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a rights awareness campaign held in your country in 2021 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2021 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
Title (original language)	INTERSECT – Altfel despre discriminare
Title (EN)	INTERSECT – About discrimination, in a different way
Organisation (original language)	Centrul de Resurse Juridice in partnership with ACTEDO – Centrul de Acțiune pentru Egalitate și Drepturile Omului, Asociația MozaiQ LGBT and UCTRR – Uniunea Civică a Tinerilor Romi din România
Organisation (EN)	Centre for Legal Resources in partnership with ACTEDO – The Action Centre for Equality and Human Rights, Association MozaiQ LGBT and UCTRR – Civic Union of Young Roma from Romania
Government / Civil society	Civil society (non-governmental organisation)
Funding body	European Union Rights, Equality and Citizenship Programme (2014-2020)
Reference (incl. url, where available)	More information is available at https://www.crj.ro/intersect-altfel-despre-discriminare/
Indicate the start date of the promising practice	August 2019 – July 2021

and the finishing date if it has ceased to exist	
Type of initiative	Raising awareness of discrimination and empowering young Roma to participate at the local level in the development, implementation and monitoring activities and policies that affect them.
Main target group	Young Roma
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The project activities included: needs assessment of young Roma and LGBT Roma in five towns in Romania, with the aim of developing local campaigns of information and training later in the project; representing the interests of young Roma and LGBT Roma in at least 15 cases of discrimination; training sessions for public authorities from five towns, and for students; a study on the discrimination experience by Roma and LGBT Roma which took the form of publishing five personal stories of intersectional discrimination; a legal study regarding the national laws, local regulations and practices, and case law in the field of social housing affecting Roma families; a briefing paper proposing a series of public policies in the field of education to combat discrimination and stigmatisation of young Roma, especially LGBTQ young Roma, and to prevent the internalisation of stigma by this social group.
Highlight any element of the actions that is transferable (max. 500 chars)	Using personal stories of young people is an innovative and efficient way to raise awareness on intersectional discrimination; it focuses on particular narratives that illustrate real-life, everyday experiences, feelings, trauma, victories, barriers and love stories, which are relatable and easier to empathise with.
Give reasons why you consider the practice as sustainable (as	The project involves young people, including students from universities, local organisations of Roma and LGBT organisations and local authorities. The youth are in the process of education and they are learning to become professionals in various fields, in which they will bring the knowledge and skills gained during the project. The local authorities and local organisations will interact with

opposed to 'one off activities')	each other and with the Roma youth and LGBT Roma after the project, too, and they will be able to put into practice the knowledge and skills gained during the project.
Give reasons why you consider the practice as having concrete measurable impact	The number of students, local organisations and local authorities who were given training and involved in other awareness-raising activities are clearly established in the project and evaluated based on quantitative and qualitative criteria.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The issue of intersectional discrimination based on sexual orientation or gender identity and ethnic origin is common in communities of ethnic minorities in other countries across Europe, whether it is other Roma communities in central and eastern Europe or immigrant communities in western Europe. Because they are a minority, these communities tend to be closed and disadvantaged from a social point of view, with limited access to justice, which is an additional burden on the members of the community who are exposed to discrimination based on sexual orientation or gender identity. Moreover, in some cases, the closed nature of these communities preserves traditional thinking among members of the community that is in conflict with personal freedoms of members of the community.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The beneficiaries (young people) are involved at different stages in the implementation of the project – needs assessment, training, carrying out information sessions at the local level themselves, telling their personal stories as part of an awareness-raising campaign.
Explain, if applicable, how the practice provides for	The project is being reviewed and assessed by the European Commission and clear indicators are established in the implementation and evaluation of the project. The involvement of beneficiaries (young persons) at different stages in the implementation of the project ensures that their needs, transposed into the objectives of the project, are being assessed and reviewed accordingly.

review and assessment.	
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Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Profs Against Discrimination – Combaterea discriminării în școlile din România
Title (EN)	Profs Against Discrimination – Combating discrimination in schools in Romania
Organisation (original language)	Consiliul Național pentru Combaterea Discriminării in partnership with the NGO Institutul pentru Politici Publice
Organisation (EN)	National Council for Combating Discrimination in partnership with the Institute for Public Policies
Government / Civil society	Government body in partnership with civil society
Funding body	European Union’s Rights, Equality and Citizenship Programme (2014-2020)
Reference (incl. url, where available)	http://www.ipp.ro/profsagainstdiscrimination/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 December 2020 – 1 December 2022
Type of initiative	Sociological and legal research
Main target group	Teachers
Indicate level of implementation:	National

Local/Regional/National	
Brief description (max. 1000 chars)	<p>The project aims to improve the implementation of the principle of non-discrimination in schools by carrying out research, training and drafting public policies. The project deals with all forms of discrimination in schools, based on all grounds protected in the Romanian anti-discrimination legislation, including racial and ethnic discrimination at school. However, it is a general approach, which does not address racial and ethnic discrimination at school directly.</p> <p>The results of the study on the legislation in force in schools and the survey of attitudes towards and perceptions of discrimination among students, parents, teachers and representatives of school inspectorates will facilitate the design of training sessions for 200 school teachers and the drafting of public policies in the field. The project will also produce a practical guide for teachers to combat discrimination in the classroom, which aims to increase awareness and their capacity to identify, combat and report cases of discrimination in schools.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The guide for teachers to combat discrimination in the classroom is a useful resource for teachers from other Member States. At the same time, the training curricula can be replicated in other projects, in other countries.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The resources developed during the project (guide for teachers, sociological research tool, training curricula for teachers) can be easily replicated to reach more teachers. The knowledge and skills gained by the 200 teachers trained during the project will serve to improve their relations with other teachers, parents and thousands of pupils they teach every school year.
Give reasons why you consider the practice as having concrete measurable impact	The training will reach 200 teachers who are multipliers of information in relation to their colleagues in schools and the pupils they teach every school year.
Give reasons why you consider the	The dynamics of discrimination taking place in the classroom and the deep roots of discrimination in the relationships taking place in the classroom (between teachers and students, and between

<p>practice as transferrable to other settings and/or Member States?</p>	<p>students themselves) have similarities irrespective of the criteria of discrimination or the form of discrimination. Therefore, the issues addressed in the guide and the curricula should be relevant (and transferrable) to other settings and/or Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>-</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>-</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p style="text-align: center;">Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	<p>Coaliția pentru romi: elaborarea și monitorizarea de politici publice cofinanțat din Fondul Social European prin Programul Operațional Capacitate Administrativă 2014-2020, COD SIPOCA 333/ SMIS2014+ 110998.</p>
Title (EN)	<p>Coalition for Roma: developing and monitoring of public policies Co-financed from the European Social Fund through the Operational Programme Administrative Capacity 2014-2020, CODE SIPOCA 333 / SMIS2014 + 110998</p>
Organisation (original language)	<p>Fundația Agenția de Dezvoltare Comunitară „Împreună”</p>
Organisation (EN)	<p>Foundation “Împreună” Community Development Agency</p>
Government / Civil society	<p>Civil society</p>
Funding body	<p>European Social Fund through the Operational Programme Administrative Capacity 2014-2020, CODE SIPOCA 333 / SMIS2014 + 110998</p>
Reference (incl. URL, where available)	<p>https://www.facebook.com/coalitiapentruromi/</p>

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	24 May 2018 – 23 September 2019
Type of initiative	Project
Main target group	NGOs and social partners
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>Between 24 May 2018 and 23 September 2019, the Foundation “Împreună” Community Development Agency (Fundatia Agenția de Dezvoltare Comunitară „Împreună”) implemented, the project ‘Coalition for Roma: elaboration and monitoring of public policies’, (Coalitia pentru romi: elaborare si monitorizare de politici publice) funded by the European Social Fund. The aim of the project was to increase the capacity of NGOs and social partners to actively participate in the development and monitoring of public policies aimed at Roma inclusion. The project activities focused on strengthening the Observatory for Roma monitoring and evaluation mechanism, and providing training and mentoring in the field of the development and monitoring of public policies, as well as carrying out advocacy activities at local and regional levels in order to influence public policies in the field of Roma inclusion.</p> <p>Through this project, a Coalition for Roma was established consisting of over 70 Roma and pro-Roma organisations. The organisations have established a common agenda by asking policymakers for coherent development policies and mechanisms to promote the history and ethnic identity of the Roma, as part of the richness of Romanian identity. Within the Coalition, the experts involved in the implementation of the project together with the representatives of the NGOs that are part of the Coalition for Roma have developed a public policy in the field of Roma inclusion. Its content was decided by mutual agreement by Coalition members based on well-established criteria (such as the severity of the problem, the number of people affected, the Coalition’s ability to influence decision-makers).</p> <p>The strategy proposal to the Romanian Government was built from the perspective of a new paradigm, and is based on three main pillars:</p> <ul style="list-style-type: none"> - include proposed measures to achieve specific objectives in existing sectoral national programmes or propose new national programmes with specific addressability, where appropriate; - involvement of the community in the implementation of the proposed measures - through the representatives of administrative territorial units, local groups, by initiating protocols of inter-institutional collaboration. - monitoring and evaluating the results and impact of national programmes, and of local projects addressing the issue of Roma social inclusion. <p>As a result of this project, the National Agency for Roma has taken over the public policy, which is the basis for the new Strategy for Roma Inclusion (Strategy of the Government of Romania for the Inclusion of the Romanian Citizens belonging to Roma Minority for the period 2021-2027 (Strategia Guvernului României de Incluziune a Cetățenilor Români aparținând Minorității Rome pentru perioada 2021-2027), which is currently in the process of inter-ministerial approval.</p>
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<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>This initiative of civil society managed to develop a platform of working together to produce the draft of the new Roma Social Inclusion Strategy.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The draft of the Roma Social Inclusion Strategy was taken over by the National Agency for Roma (Agenția Națională pentru Romi – ANR). The document was later developed, but respecting the principles established by the Coalition for Roma, which had been created in the context of this project.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Strategy of the Government of Romania for the Inclusion of the Romanian Citizens belonging to Roma Minority for the period 2021-2027 (Strategia Guvernului României de Incluziune a Cetățenilor Români aparținând Minorității Rome pentru perioada 2021-2027) is currently in the process of inter-ministerial approval. It was drafted by Roma and pro-Roma NGOs working as a coalition. The document has an action plan that will be implemented.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This initiative could work well in other Member States and in this way the national public policies would benefit from wide public consultation and participation. It involves beneficiaries and stakeholders in the design, planning, evaluation, review, assessment and implementation of the policy.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>See above</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The Coalition for Roma will be involved in monitoring the implementation of the Roma Social Inclusion Strategy.</p>

<p>Thematic area</p>	<p>INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter</p>
<p>Title (original language)</p>	<p>Metode tehnologice inteligente, conexe, proactive si bazate pe dovezi pentru diagnosticul precoce si imbunatatirea tratamentului bolilor neurologice</p>
<p>Title (EN)</p>	<p>Bridging the Early Diagnosis and Treatment Gap of Brain Diseases via Smart, Connected, Proactive and Evidence-based Technological Interventions</p>
<p>Organisation (original language)</p>	<p>Spitalul Universitar de Urgenta Bucuresti</p>

Organisation (EN)	Bucharest University Emergency Hospital
Government / Civil society	Government
Funding body	EU
Reference (incl. url, where available)	http://www.suub.ro/2021/03/17/proiect-alameda/ and https://alamedaproject.eu/mission/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2021 – 1 January 2024
Type of initiative	Research project
Main target group	Patients with Parkinson's, multiple sclerosis or stroke
Indicate level of implementation: Local/Regional/National	International project
Brief description (max. 1000 chars)	The project aims to research and prototype the personalised artificial intelligence healthcare support systems for people with brain diseases and disorders, specifically focusing on the needs of patients with Parkinson's, multiple sclerosis or stroke (PMSS). The project will use new machine learning models, built upon lifestyle retrospective data as well as new streams of patient data that involve the monitoring of everyday activities, such as sleep behaviour and emotional status. The information will provide clinicians with the opportunity to better monitor patients and modify interventions based on personalised data recordings, that could include both pharmacological and non-pharmacological treatment options. ALAMEDA's machine learning and AI methodology will ensure that the algorithms are interpretable and provide explanations for their outcomes.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>This is already an international project with 15 partners from 8 different European countries, which means that the project is designed to take into account various experiences and the results can be applied in various contexts.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice has greater chances of being sustainable because it involves high profile national institutions that actually develop and implement main policies in the field.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project seeks to collect concrete medical data and interpret it in developing useful medical tools.</p>
<p>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</p>	<p>This is already an international project with 15 partners from 8 different European countries, which means that project is designed to take into account various experiences and the results can be applied in various contexts.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>Not clear from the project description.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not clear from the project description.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topics addressed in this Chapter.
Title (original language)	TEAM UP - Progres în calitatea îngrijirii alternative a copiilor
Title (EN)	TEAM UP - Improving the quality of alternative childcare
Organisation (original language)	Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție, în parteneriat cu cele 47 de Direcții Generale de Asistență Socială și Protecția Copilului de la nivelul județelor și sectoarelor municipiului București
Organisation (EN)	The National Authority for the Protection of the Rights of the Child and Adoption, in partnership with the 47 General Directorates of Social Assistance and Child Protection functioning at the level of the counties and the sectors of the Bucharest municipality
Government / Civil society	Government
Funding body	The project's total value is RON 2,657,162,612.32, out of which: <ul style="list-style-type: none"> - RON 2,243,584,251.47 is to be provided by the European Union, - RON 332,365,653.29 is to be provided from the national budget and - RON 81,212,707.56 is to be provided by other beneficiaries/partners.

Reference (incl. url, where available)	https://www.dgaspcbacau.ro/stiri_protectia_copilului_bacau/project/team-up-progres-in-calitatea-ingrijirii-alternative-a-copiilor-cod-smis-127169/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2014 - December 2023
Type of initiative	Initiative of a publicly funded body
Main target group	Children in institutional care or at risk of being placed in institutional care
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The general objective of the project is to increase the quality of the services provided by foster parents, as well as to increase the number of foster parents available in communities; this is to be achieved by introducing unitary tools and procedures for all those working in the state childcare system, disseminate them and providing training in order to ensure their application in practice. Children will therefore have access to non-institutional care, in safe environments, where they will be protected from abuse and violence and receive adequate care. Once practices will have changed among the existing professionals, the number of available foster parents was to be increased significantly through the recruitment and training of new foster parents and their integration in the improved system.
Highlight any element of the actions that is transferable (max. 500 chars)	This problem needs to be addressed by coordinated policy changes and measures, which must include measures aimed at improving the available foster care system; assessing the system and training those who work within it. When necessary, attracting people into the system is vital.
Give reasons why you consider the practice as	The project is being carried out over a period of 10 years. While planning for such a long period of time is not always adequate, this approach could have a positive impact on the sustainability of the practice; if sufficient effort is invested in creating and disseminating work procedures for foster parents, their impact is more likely to

sustainable (as opposed to 'one off activities')	be long lasting; moreover, bringing new people into the system for a period which, from the initial phase, is rather long, their willingness to stay and the capacity of public authorities to find the means to keep them could be higher.
Give reasons why you consider the practice as having concrete measurable impact	<p>The proposed actions are designed to achieve measurable goals, including:</p> <ul style="list-style-type: none"> - the development of unitary national working procedures for foster parents; - the organisation of 42 dissemination and training seminars to ensure the uniform application of the set of procedures created; - the creation of a digital platform containing e-learning modules, digital education modules and databases; - the training of all the 11,000 active foster parents who were working in the system at the date the project was initiated, and the employment of over 4,000 new foster parents; therefore by the end of the programme, vocational training will have been offered to 15,000 people.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The high number of children living in institutions or being forced to live in inadequate circumstance due to the lack of quality alternative childcare constitutes a problem across many EU countries. The experience gained and the lessons learned during the implementation of this project could prove useful to other EU Member States facing a similar problem.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	<p>This project is being implemented in partnership with the 47 General Directorates of Social Assistance and Child Protection functioning at the level of the counties and the sectors of the Bucharest municipality. They appear to be involved in the coordination of the project and, most importantly, are involved in creating the training, providing them and recruiting new individuals.</p> <p style="padding-left: 40px;">It is not clear to what extent other stakeholders, such as the foster parents or the children benefiting from the services were involved in the design, planning, evaluation, review assessment and implementation of the project.</p>

Explain, if applicable, how the practice provides for review and assessment.	Information not yet available.
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Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Centrul de intervenție pentru victimele violenței sexuale
Title (EN)	Intervention centre for victims of sexual violence
Organisation (original language)	Spitalul Universitar de Urgență București
Organisation (EN)	Bucharest Emergency University Hospital
Government / Civil society	Government
Funding body	Norwegian Financial Mechanism 2014-2021
Reference (incl. url, where available)	https://anes.gov.ro/primul-centru-de-interventie-pentru-victimele-violentei-sexuale-deschis-la-spitalul-universitar-de-urgenta-bucurest/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	10 May 2021
Type of initiative	Project funded through the Norwegian Financial Mechanism 2014-2021
Main target group	Victims of sexual violence
Indicate level of implementation:	Local

Local/Regional/National	
Brief description (max. 1000 chars)	The centre is an integrated centre for victims of sexual violence. It provides victims of sexual violence with necessary services, free of charge. The services include: emergency medical care, post-traumatic assistance, biological sampling, psychological counselling, legal counselling, assistance in obtaining medical certificates and accessing social services.
Highlight any element of the actions that is transferable (max. 500 chars)	The centre is a pilot and within the project there will be another nine such centres set up all over Romania.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This project is sustainable because it brings together all relevant state institutions dealing with sexual violence as well as their services.
Give reasons why you consider the practice as having concrete measurable impact	This practice will have a direct impact on victims of sexual violence who can access all necessary services in one place.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	These centres are built in accordance with Art. 25 of the Council of Europe Convention on preventing and combating violence against women and domestic violence. They can serve as a model for other countries that have ratified the convention.
Explain, if applicable, how	Not clear from project description.

the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not clear from project description.

Thematic area	<p align="center">Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p align="center">Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Proiect „Suport pentru dezvoltarea serviciilor comunitare de sănătate mintală pentru copii și adolescenți”
Title (EN)	Support project for the development of community mental health services for children and adolescents
Organisation (original language)	Centrul Național de Sănătate Mintală și Luptă Antidrog (Ministerul Sănătății)
Organisation (EN)	National Centre for Mental Health and the Fight against Drugs (institution subordinated to the Ministry of Health)
Government / Civil society	Government
Funding body	The project is financed through the Financial Mechanism of the European Economic Area (EEA). The total eligible value of the project is RON 12,025,000 (EUR 2,500,000), of non-reimbursable financial assistance, of which RON 10,221,250 (EUR 2,125,000) represents the value of the grant awarded and RON 1,803,750 (EUR 375,000) represents the financing granted by the Ministry of Health.
Reference (incl. URL, where available)	https://www.facebook.com/proiectNT125/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The implementation period of the project is of 36 months: 30 March 2020 – 29 March 2023.
Type of initiative	Project funded through the Financial Mechanism of the European Economic Area (EEA).

Main target group	Children and teenagers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aims to raise awareness and improve the capacity of community members, parents, primary care, education and social protection professionals to support children at risk and/or with mental health disorders, as well as to facilitate access to healthcare services for children with mental health disorders.</p> <p>The main activities carried out within the project are the following:</p> <ul style="list-style-type: none"> • the development and implementation of a national awareness campaign on the stigma that accompanies the diagnosis of mental health disorder; • the development of positive parenting skills among parents, empowering them to identify early signs of emotional disturbance; • the development of skills among health, education and social protection professionals to effectively identify and refer children to specialised services; • the development of skills among mental health professionals to treat children with mental health disorders; • carrying out a national study in the field of mental health of children and adolescents; • the development of standards for community mental health services; • increase the technical capacity to support the provision of mental health services for 1,500 children diagnosed with a mental health disorder.
Highlight any element of the actions that is	The project is an example of how access to mental health services for children and teenagers can be facilitated. The activities through which this is done are described above.

transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The practice is sustainable as it increases the skills of professionals and parents in relation to a topic where intervention was needed. New services are also being developed, which will continue to function beyond the implementation of this particular project.</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>The project has concrete measurable objectives. Following the implementation of the project, the main results expected to be achieved are:</p> <ul style="list-style-type: none"> - the creation of a positive parental education programme available in the professional communities in Romania; - 1,500 parents with increased positive parenting skills, better prepared to identify early signs of emotional disorders among children; - 200 mental health professionals with increased skills to assess and intervene in children diagnosed with autism spectrum disorder, ADHD, anxiety disorders, depression and attachment disorders; - a network of 20 professionals trained as facilitators of parental education at the community level; - 500 professionals in the field of education, health and child protection, with increased skills for early identification and referral to specialised services of children at risk of developing mental health disorders /mental health disorders; - a research report on the incidence of mental health disorders among children and adolescents, 500 copies of which are to be published and distributed nationwide; - a manual of standards for the development of community mental health services, 150 copies of which are to be published and distributed nationally;

	- 1,500 children with an improved state of mental health, following access to community mental health services.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice can be useful for any Member State dealing with problems regarding the access of children and teenagers to mental health services.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No such information available.
Explain, if applicable, how the practice provides for review and assessment.	No such information available.

ANNEX 2- CASE LAW

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	16.12.2020
Reference details	Constitutional Court of Romania, Decision No. 907 of 16.12.2020, published in the Official Journal No.68 of 21.01.2021
Key facts of the case (max. 500 chars)	In June 2020, the Romanian Parliament adopted an amendment to the National Education Law banning in all educational entities and institutions and all spaces that are assigned for education and professional training, including entities that provide extracurricular education, “the activities aimed at spreading gender identity theory or opinion, understood as the theory or opinion that gender is a concept that is different than the biological sex and the two are not always the same.” The President of Romania sent a referral regarding the unconstitutionality of the law to the Constitutional Court.
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court stated that such legal amendments go against constitutional and international human rights standards that reflect changes over time in social roles attached to women and men and the removal of gender stereotypes, as well as the recognition of gender identity in the case of transgender people (“the situation of transsexual people”).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court explicitly acknowledged that biological sex and gender identity are not always the same, contrary to the idea put forward by the prohibition enshrined in the amendment. According to the Court the notion of “gender” has a wider scope than that of “sex” or “sexuality” in the strictly biological sense, as it incorporates complex elements of a psychosocial nature.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court ruled that the law adopted by the Parliament violates the equality of citizens in the context of ensuring access to education and protection of children and young people, by violating the state's obligation to ensure, without any discrimination, the possibility for children and young people to know and study theories, ideas, concepts in accordance with the evolutions of society, without constraints to censor their freedom of thought and expression.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„Aceste principii, ce pot fi subsumate libertății conștiinței, sunt incompatibile cu impunerea prin lege a unei cunoașteri „trunchiate” a realității ca premisă pentru formarea concepției despre lumea înconjurătoare. Concepția de viață nu poate fi „prescrisă” sau impusă de către stat prin stabilirea ca adevăruri absolute a unor idei și interzicerea, <i>de plano</i>, a oricărui demers de cunoaștere a eventualelor alte opinii/teorii existente în privința aceluiași subiect, cu atât mai mult atunci când asemenea opinii/teorii sunt promovate/susținute din punct de vedere științific și legal, marcând evoluții ale societății la un moment dat.”</p> <p>“These principles, which can be subsumed to the freedom of conscience, are incompatible with the imposition by law of a ‘truncated’ knowledge of reality as a premise for the formation of the conception of the surrounding world. The conception of life cannot be ‘prescribed’ or imposed by the state by establishing as absolute truths some ideas and prohibiting, <i>de plano</i>, any attempt to know any other existing opinions/theories on the same subject, especially when such opinions/theories are promoted/supported from a scientific and legal point of view, marking the evolutions of the society at a certain moment.”</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	15 September 2021
Reference details	Constitutional Court of Romania, Decision no.561/2021 of 15 September 2021, published in the Official Journal No.1076 of 10 November 2021
Key facts of the case (max. 500 chars)	The President of Romania filed a complaint before the Constitutional Court challenging the constitutionality of a recently adopted amendment of Article 369 of the Criminal Code regarding the criminal offence of incitement to violence, hatred or discrimination, adopted by the Parliament in June 2021.
Main reasoning/argumentation (max. 500 chars)	The President argued that the proposal does not respect minimum standards of accessibility, predictability and legality of criminal law provisions. According to the President, the proposal does not explicitly list the protected criteria against hate speech, which makes room for arbitrary and legal uncertainty, and instead uses the ambiguous form "belonging to a certain category persons". Further, the President submitted that the amendment is not in compliance with the Framework Decision on racism and xenophobia, which aims to ease judicial cooperation among the Member States, making sure there is incrimination for the same facts across the European Union, and clearly underlining the motive of the criminal offence, at least by explicitly mentioning racist and xenophobic motives.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The principle of clarity and predictability of criminal law applicable for the incrimination of hate speech, in the form of incitement to hatred and discrimination. The legal provisions in force until 1 February 2014, incriminating incitement to hatred and discrimination, had stipulated an explicit list of grounds protected, a list that was no longer included in the current law and in the legal amendment adopted by the Parliament. The need to differentiate between the criminal offence of incitement to hatred and discrimination and the administrative offence stipulated in Article 15 of the Anti-

	discrimination Law (Government Ordinance No. 137/2000 on the prevention and combating of all forms of discrimination) which prescribes administrative sanctions for nationalist and xenophobic propaganda, instigation to racial or ethnic hate, and harassment.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court found the newly amended definition of incitement to hatred or discrimination to be in violation of the principle of clarity and predictability of criminal law, entailed by Article 1 of the Criminal Code and Article 7 of the ECHR, which amounts to a violation of Article 1(5) of the Constitution (the law must respect the standards of quality) and Article 23 of the Constitution (individual freedom).
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>„34. Curtea constată că lipsa unor circumstanțieri cu privire la elementul material și urmarea imediată ale infracțiunii de incitare la violență, ură sau discriminare face dificilă și, uneori, imposibilă delimitarea răspunderii penale de celelalte forme de răspundere juridică ... [...]. Dispozițiile penale supuse controlului sunt formulate într-un sens larg, ce determină un grad sporit de impredictibilitate, aspect problematic din perspectiva art. 7 din Convenția pentru apărarea drepturilor omului și a libertăților fundamentale, precum și din perspectiva altor cerințe fundamentale ale principiului statului de drept, această redactare constituind premisa unor interpretări și aplicări arbitrare/aleatorii. [Curtea] ... consideră necesară reglementarea criteriilor pe baza cărora se poate defini un grup de persoane împotriva căruia (în ansamblu sau individual, ca membru) poate fi săvârșită fapta de instigare publică la violență, ură sau discriminare, elemente în funcție de care să se aprecieze incidența sau nu a legii penale.”</p> <p>“34. The Court finds the lack of setting limits on the material element and the immediate result of the criminal offence of incitement to violence, hate and discrimination makes it difficult, and at times, impossible to distinguish criminal accountability from other times of judicial liability... [...]. Criminal provisions under constitutional review are drafted in a general way, which implies a high degree of unpredictability, raising concerns under Article 7 of the European Convention on Human Rights, as well as other fundamental requirements of the rule of law principle, because such drafting opens the way to arbitrary/aleatory interpretations and applications. [The Court]... finds it necessary to regulate the grounds based on which the group (as a group or individually a group member) is protected from the offence of public incitement to violence, hate or discrimination, in order to find whether a case falls under the provisions of the criminal law or not.”</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	Decision no. 241 / 17.02.2021 of National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării – CNCD)
Reference details	File no: 280/2020, Petition no: 2419/27.04.2020 Complainant: Amare Rromentza Roma Centre (Centrul Rromilor Amare Rromentza) Defendant: Petre Roman (Prime Minister (1989-1991), President of the Senate (1996-1999), Minister of Foreign Affairs (1999-2000), MP in the Romanian Parliament)
Key facts of the case (max. 500 chars)	<p>On 27.04.2020 Amare Rromentza Roma Centre recorded its complaint (No. 2419) with the National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării – CNCD). On 25.04.2020, Petre Roman was invited on to the RomaniaTV television station, and during the show "Romania TeVede", he stated the following: "Gypsy gangs in Romania robbing, stealing and begging in the West give us a negative image because of which we do not enter the Schengen area. We need a programme of repressive and social measures."</p> <p>The Amare Rromentza Roma Center filed a complaint with the CNCD considering the defendant's public statements to be discriminatory.</p> <p>CNCD cited both parties. The petitioner was informed of the defendant's views, and written conclusions were requested.</p> <p>The petitioner claimed that:</p> <ul style="list-style-type: none"> - he promoted the development of Roma integration programmes at the level of the European Union; - a negative image of the Roma has emerged in Europe, and that he has promoted the idea that there is no sign of equality between Roma and criminals; - he promoted the use of the term Roma instead of the term Gypsy;

	- the statement that is the object of the petition was in the sense of showing that gangs of Gypsies who commit crimes harm both the Roma and the image of Romania.
Main reasoning/argumentation (max. 500 chars)	The CNCD concluded that the defendant, Petre Roman, a public figure (ex-prime minister, president of the Romanian Senate, minister of foreign affairs, MP in the Romanian Parliament), expressly referred to the Roma, and not to criminals with Romanian citizenship in general. His allegations were made during an interview with a television station, as a former dignitary, about the fact that there are behaviours of some Roma people that generate a negative image in the West that prevents Romania's entry into the Schengen area.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Ethnicization of crime is not covered by the protections provided by Art.10 of the ECHR
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	CNCD notes that the defendant's statements, which are the subject of the petition, are not protected by Art. 10 of the ECHR. The steering board of CNCD applies the fine of RON 2,000 (approx. €400) against Petre Roman, considering the following: a) discrimination targeted a community; b) ethnicization of crime and blaming a community for a political failure that particularly affects the country's international relations are extremely serious facts; d) the defendant is an opinion leader, the message transmitted through a TV station has reached a large number of people; e) the defendant has not been previously sanctioned.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Bande de țigani din România care jefuiesc, fură și cerșesc în Occident ne fac o imagine negativă din cauza căreia nu intrăm în spațiul Schengen. Ne trebuie un program de măsuri represive și sociale”. "Gypsy gangs in Romania robbing, stealing and begging in the West give us a negative image because of which we do not enter the Schengen area. We need a programme of repressive and social measures. "

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
Decision date	<i>No case law has been identified for this thematic area.</i>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	20 April 2021
Reference details	Romanian Constitutional Court - Decision No. 244 of 20 April 2021 regarding the exception of unconstitutionality of the provisions of Art. 26 (11) of Government Emergency Ordinance No. 158/2005 on leave and social health insurance benefits, regarding the phrase "up to 16 years old" (Decizia nr.244 din 20 aprilie 2021 referitoare la excepția de neconstituționalitate a dispozițiilor art.26 alin.(11) din Ordonanța de urgență a Guvernului nr.158/2005 privind concediile și indemnizațiile de asigurări sociale de sănătate, cu referire la sintagma „în vârstă de până la 16 ani”)
Key facts of the case (max. 500 chars)	The exception of unconstitutionality was raised before the Romanian Constitutional Court by the Romanian Ombudsperson (Avocatul Poporului), which argued that the legislation according to which parents are granted leave and allowances for taking care of children with a serious illness only until the child turned 16 was discriminatory and violated the constitutional principle of equal rights of citizens.
Main reasoning/argumentation (max. 500 chars)	Analysing the regulations at stake, the Constitutional Court found that the legislature had instituted a special form of leave for the care of a sick child, available for children of up to 16 years old. The reason for establishing this right for the parent/foster parent/adopter or guardian is to protect the health of the child who needs significant care or support as a result of a serious medical condition. (...) This type of leave represents on one side a right of the parent, regulated as a form of social insurance, and on the other side a measure to protect the health of the child. The legislature had instituted a measure to protect the health of the child, based on his or her need for parental care or support, in case of a serious medical problem. A child means any human being below the age of 18 years. Therefore the need of care or support, if it exists for children under 16, will exist for those over 16 as well.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Leave and allowances for the care of a sick child constitute a right for parents and a measure to protect the health of a child. Given children are all human beings under 18, no distinctions should be made. The principle of non-discrimination and the right to health are all the more applicable to seriously ill children, irrespective of their age.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The limit imposed for parents of children who are severely ill to access leave and social leave only up until the child turns 16 has been removed. Access to such benefits will therefore be available for all parents of such children, including children aged 16 to 18.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>[23. (...) <i>crearea condițiilor și încurajarea părinților să participe la îngrijirea sănătății propriilor copii apare ca cea mai firească și logică măsură, de vreme ce aceștia sunt cei mai implicați din punct de vedere afectiv și cei mai capabili să recepteze și să vină în întâmpinarea nevoilor specifice ale copilului. (...)</i></p> <p>26. (...) <i>„prin copil se înțelege orice ființă umană sub vârsta de 18 ani, exceptând cazurile în care legea aplicabilă copilului stabilește limita majoratului sub această vârstă.”</i></p> <p>27. (...) <i>este evident că aceeași rațiune de îngrijire/sprijin din partea părintelui subzistă și în situația copilului cu afecțiuni grave cu vârsta cuprinsă între 16 și 18 ani.]</i></p> <p>[23. (...) Creating the conditions and encouraging parents to participate in the care of their children’s health appears to be the most natural and logical measure, since they are the most emotionally involved and the most able to receive and meet the specific needs of the child. (...)</p> <p>26. (...) “child means any human being below the age of 18 years, except where the law applicable to the child sets the age of majority below that age.”</p> <p>27. (...) it is obvious that the same reason for care/support from the parent also subsists in the situation of the child with serious illnesses aged between 16 and 18 years.]</p>

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	29 April 2021
Reference details	Judecătoria Pitești, secția penală, 669/2021, available in Romanian at: http://rolii.ro/hotarari/60dfc5eae490097c1b000038 ECLI ECLI:RO:JDPIT:2021:004
Key facts of the case (max. 500 chars)	The case concerns a very famous Romanian male singer who has many misogynistic songs. The case is about one song in particular which has lyrics that are offensive towards women and incites listeners to mistreat women. The singer was fined by the National Council for Combating Discrimination for the song and was charged with the crime of incitement to hatred and discrimination.
Main reasoning/argumentation (max. 500 chars)	The court found that the music video, which had over 16 million views, presents women in a degrading manner, inferior to men and encourages viewers to disrespect women. The effects of the video can be seen in the comments that viewers made in the comments section, in which they reiterate extremely misogynistic remarks. The video also had a wide societal reaction and the court found that hateful attitudes towards certain groups can very rapidly spread and gain large support.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case is grounded on the crime of incitement to hatred or discrimination, under Art. 369 of the Romanian Criminal Code. There is very little jurisprudence on this crime and the case explores the limits between free speech and incitement to hatred.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court applied a criminal fine of RON 15,000 (approximately €3,000), confiscated the income generated by the song on YouTube calculated as \$34,136 and ordered YouTube to take the video down. Because the defendant had a previously received a six months suspended prison sentence for different deeds, the court also revoked the suspension of that prior sentence and ordered its execution. This decision was appealed and the appeal is being judged. The decision was widely covered by local media.

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>[...] instanța reține că mesajul videoclipului este unul cât se poate de clar, de instigare la ură și violență față de femei și de discriminare a acestora în raport cu bărbații și a fost conștientizat în mod clar de către inculpat.</i></p> <p>[...] the court finds that the message of the video is very clear, it incites hatred and violence against women and discrimination of women as compared to men, and this result was clearly understood by the defendant.</p>
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