Franet National contribution to the Fundamental Rights Report 2020

Romania

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Franet country study: policy and legal highlights 2019	
Issues in the fundamental rights institutional landscape	New Ombudsperson elected and a new Commission against segregation put in place A new Ombudsperson was elected by the Parliament in June 2019 amidst protests from NGOs and in spite of an online petition, signed by more than 10,000 citizens, requiring guarantees of independence and depoliticisation of the ombuds institution. The National Commission for Educational Desegregation and Inclusion was established and started its work adopting a methodology to pilot monitoring School segregation published on 31 December 2019. In November 2019, the Government merged and reorganised the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții*) and a disabilities activist was appointed as president of the newly established body. Draft bills relevant for the functioning of the Romanian Institute for Human Rights (Institutul Român pentru Drepturile Omului) or the national equality body (Consiliul Național pentru Combaterea Discriminării) are still pending in the Parliament.
EU Charter of Fundamental Rights	**The EU Charter remains underused:** The Charter of Fundamental Rights remains underused by all branches of government as well as by judges.
Equality and non-discrimination	**Some progress on legislation in the area of discrimination:** Draft legislation on same-sex partnerships initiated in 2019 is still pending in the Chamber of Deputies after being rejected by the Senate. The Human Rights Committee voted in favour of three different drafts. The drafts did not reach the plenum of the Chamber. The Parliament adopted the **Anti-bullying Law** amending Art. 66 of the Law on National Education no. 1/2011 in October 2019.
Racism, xenophobia & Roma integration	**Right to housing:** In July 2019 a law on informal settlements in Romania was adopted to respond to growing concerns of vulnerable groups in relation to housing.
Asylum & migration	No developments in 2019.
Data protection and digital society	**Increased volume of complaints in the area of data protection:** In 2019, the number of complaints filed with the national data protection agency almost doubled, reaching 5,260. The agency also launched 485 investigations on its own initiative.
Rights of the child	**Procedural safeguards for children:** The draft legislation transposing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings is still pending.
Access to justice, including victims of crime	**Victims' Rights Directive:** In April 2019 the Government adopted an emergency ordinance with the stated objective of avoiding an infringement procedure for failure to ensure transposition of the Victims' Rights Directive. In June 2019, the Parliament adopted a law that established a special register for sexual offenders.
Convention on the Rights of Persons with Disability	No important development in 2019.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

The Parliament and the Government continued to block legal and policy initiatives proposed in previous years aimed at combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation. In 2019, there were no new legal and policy initiatives relevant to this field. For example, the bill reported upon in 2017 and 2018 on improving the legal framework for combating discrimination is still being blocked in the Chamber of Deputies (*Camera Deputaţilor*).[1] In addition, the draft of the National strategy on "Equality, Inclusion and Diversity" for the period 2016-2020 (*Strategia naţională "Egalitate, incluziune, diversitate" pentru perioada 2016-2020*) and of the Operational plan for implementation of the National strategy on "Equality, Inclusion and Diversity" for the period 2016-2020 (*Planului operaţional privind implementarea strategiei naţionale „Egalitate, incluziune, diversitate" 2016-2020*),[2] finalised in the first part of 2017, have still not been adopted by the Government in 2019.

At the end of 2018, a cross-party group of 42 MPs endorsed the bill on civil partnership[3] initiated by the national equality body as a result of the CJEU judgment in Case C-673/16,[4] mentioned in our previous report. However, on 18 March 2019, the Senate rejected this bill, despite a call made by the Romanian Constitutional Court (*Curtea Constituţională a României*) in its Decision no. 534 of 18 July 2018 to adopt a form of legal protection for same-sex families.[5] In the arguments presented during the debate in the Parliament, it was stated that the existing legislation is sufficient and there is no social need for such legislation. In June 2019, seven couples filed complaints with the European Court of Human Rights, arguing violation of their rights to family life and non-discrimination, due to lack of any form of legal protection for their families by the state.[6] Since April 2019, debate on the new civil partnership bill has been practically suspended in the Chamber of Deputies. The suspension began immediately before the European Parliamentary elections, which was the first in a series of elections in Romania (presidential elections in November 2019, general elections and local elections in 2020).[7] Along with this bill, the Parliament also blocked other draft laws on civil partnership during the elections, only to resume debates in the last two months of 2019.[8]

On 25 March 2019, after a second reading in the Senate, the Parliament finally rejected a bill aimed at banning the burqa in all educational units, institutions and spaces used for education and professional

[1] Romania, PL-x No.501/2015, Draft Law on amendment of Government Ordinance no.137/2000 on the Prevention and Sanctioning of All Forms of Discrimination (*Propunere legislativă pentru modificarea şi completarea Ordonanţei nr.137/2000 privind prevenirea şi sancţionarea tuturor formelor de discriminare*). **All hyperlinks last accessed 7 October 2019.**
[2] National Council for Combating Discrimination (*Consiliul Naţional pentru Combaterea Discriminării*) (2017), 'Call for public consultation', 20 April 2017.
[3] Romania, Senate, L35/2019 Bill on civil partnership (*L35/2019 Propunere legislativă privind parteneriatul civil*).
[4] CJEU, C-673/16, 5 June 2018.
[5] Romania, Constitutional Court (*Curtea Constituțională*) Decision no.534, 18 July 2018.
[6] ACCEPT Association (2019), 'Șapte cupluri gay cer recunoașterea legală a familiilor lor în România' (Seven gay couples request legal recognition of their families in Romania), press release, 18 June 2019.
[7] Romania, Chamber of Deputies, Pl-x No. 152/20.03.2019 Bill on civil partnership (*Pl-x nr. 152/20.03.2019 Propunere legislativă privind parteneriatul civil*).
[8] Romania, Chamber of Deputies, Pl-x No. 498/31.10.2016 Bill on civil partnership (*Pl-x nr. 498/31.10.2016 Propunere legislativă privind parteneriatul civil*), Pl-x No. 662/31.10.2018 Bill on civil partnership (*Pl-x nr. 662/31.10.2018 Propunere legislativă privind parteneriatul civil*), Pl-x No. 153/20.03.2019 Bill on civil partnership (*Pl-x nr.* 153/20.03.2019 *Propunere legislativă privind parteneriatul civil*).

training, which was mentioned in the 2018 report.[9] This bill proposed amendment of Article 7 of the Romanian Education Law to prohibit covering the face with any materials which impede recognition of the face, with the exception of medical situations. The proposed sanctions consisted in denying access and a fine amounting from RON 5,000 to RON 50.000 (approx. € 1,100 to € 11,000), to be applied by the police. The bill did not address an existing problem in Romania, as there are no cases of violent incidents generated by persons hiding their faces. On the contrary, the bill itself generated stigmatisation and discrimination against Muslim communities, especially Muslim women.

Based on the quantum of administrative fines that the National Council for Combating Discrimination (*Consiliul Naţional pentru Combaterea Discriminării*) (NCCD) ordered in 2018 and 2019, there is an increase in the level of administrative fines in cases of discrimination. In 2018, for example, the NCCD reported issuing fines that range from RON 4,000 to RON 30,000 (€ 842 to € 6,315) for almost half of the cases where it issued administrative fines for discrimination (86 cases).[10] The trend appears to be maintained in 2019, with the exception of cases of discrimination based on disability in the field of education or public services, where the NCCD issued disproportionate sanctions (very low fines of RON 1,000 (€ 210) or a written warning carrying no financial penalty).[11] At the same time, it is problematic that an important proportion of NCCD findings of discrimination are still sanctioned with a simple written warning (56 cases in 2018).[12] A warning does not constitute an effective, proportionate and dissuasive remedy, given the gravity of an act of discrimination.[13]

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

The NCCD published its Activity Report for 2018 on 18 May 2019. According to the report, the number of complaints received was higher in 2018 (822) compared to the previous year (682). The most frequent three grounds of discrimination for filing complaints are social status (302), other criteria (177), and disability (81). The other relevant grounds are less frequent: age (29), belief (22), sexual orientation (13), religion (11).[14] Gender identity is not reported as a separate ground of discrimination by the NCCD, as it is still not explicitly protected by the Anti-discrimination Law (Article 2(1)).[15] As to the ground of disability covered by Romanian legislation, most complaints are in the area of access to public services (37 complaints) and access to education (13 complaints), compared to only 12 complaints in the area of employment. On the other hand, for complaints of discrimination on the ground of age, employment-related cases predominate (15 complaints of a total of 29) and only 6 complaints are in the field of access to public services. For sexual orientation (11), religion (5) and belief (12), the great majority of complaints concern statements made in public that allegedly affect personal dignity.[16] Men are more likely to file a discrimination complaint compared to women; almost 40 % of complainants live in Bucharest, the capital city, where the NCCD is based.[17]

[9] Romania, Chamber of Deputies, PLX 580/2017 on amending the Education Law (*PLX 580/2017 privind modificarea Legii Educaţiei Naţionale*).
[10] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 14, p. 19.
[11] NCCD (2019), 'Press release regarding the decisions adopted by the Steering Committee of the NCCD in the meeting of 10.06.2019', 10 June 2019.
[12] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 14.
[13] CJEU, C-81/12, *Asociaţia Accept v Consiliul Naţional pentru Combaterea Discriminării*, 25 April 2013, paras. 64, 69.
[14] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 8.
[15] Romania, The Anti-discrimination Law (*OG 137/2000 privind prevenirea şi sancţionarea tuturor formelor de discriminare*), updated 1 July 2017.
[16] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 9.
[17] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, pp. 10-11.

The NCCD published the results of a national survey regarding public perceptions of discrimination and hate crimes on 26 February 2019.[18] The research took place during November-December 2018, using the computer-assisted telephone interviewing method. The sample was probabilistic, multi-layered, and nationally representative.[19] Based on this survey, the great majority of the population perceives discrimination as a problem occurring in Romania (71 %), and at a high level (63 %); one third of the population see themselves as subject to discrimination. The main groups perceived as being most discriminated against are homosexuals (74 %), Roma (72 %), immigrants (69 %) and Muslim persons (68 %). The social distance scale confirms this ranking, except for the Roma population.[20]

In June 2019, the ACCEPT Association published the main findings of research on discrimination and rights violations experienced by transgender persons in Romania, in particular in access to healthcare and other public services, in access to employment and in relation to legal gender-recognition procedures. The research took place throughout 2018 and the first half of 2019. It included trans persons from all over Romania and trans persons of Romanian citizenship who live abroad: 123 persons filled out online questionnaires, and 9 individual interviews, 2 focus groups and 1 group interview took place.[21] According to the research findings, due to stigmatisation and various forms of discrimination only half of the respondents live every aspect of their lives in accordance with their gender identity. One aspect of major concern is the very poor access for trans persons to adequate and non-discriminatory healthcare services, from gender affirmation healthcare to basic healthcare. Trans persons reported several incidents where they were humiliated and discriminated against in public based on their gender identity, including at the workplace or in relation to public authorities.[22]

[18] IRES (2019), *National level survey on the level of discrimination in Romania and current perceptions regarding hate-crimes* (*Sondaj de opinie la nivel national privind nivelul discriminării în România şi percepţiile actuale asupra infracţiunilor motivate de ură*), 2018.
[19] It was formed of 1,300 persons, older than 18 years. The maximum acceptable error was ± 2.7 %.
[20] IRES(2019), *National level survey on the level of discrimination in Romania and current perceptions regarding hate-crimes* (*Sondaj de opinie la nivel national privind nivelul discriminării în România şi percepţiile actuale asupra infracţiunilor motivate de ură*), 2018.
[21] ACCEPT Association (2019), 'Presentation made in a public event taking place during Bucharest Pride', June 2019.
[22] ACCEPT Association (2019), 'Presentation made in a public event taking place during Bucharest Pride', June 2019.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

On 3 December 2018, the Parliament merged what is known as the "Anti-Bullying Bill" with a general amendment to the Law on National Education dealing with educational structures and planning and passed them into law, in an attempt by the Minister of Education to pass this second piece of legislation quickly.[23] This resulted in stalling the entry into force of the "Anti-Bullying Bill": on 3 January 2019, the President of Romania returned the law to Parliament for re-examination, considering that the matter of educational structures and planning should instead be dealt with by the Ministry of Education through secondary legislation and not imposed by the Parliament. Since June 2019, the Senate continually postponed the vote on the revised version of the bill. The Parliament finally adopted the law, which became Law no. 221 of 18.11.2019, on 21 October 2019.[24] The "Anti-Bullying Law" introduced a series of measures intended indirectly to improve access to education for Roma children or other children who are victims of bullying, and disadvantaged children. For example, the law forbids all psychological violence/bullying in a school/learning environment, understood as any form of intentional harassment, carried out from a position of power, against a person with the intention of discriminating against or socially excluding him/her. The law also proposes special measures aimed at promoting equal opportunities for children who do not hold a personal identification number, as they must be automatically registered by the schools, and for children from the special protection system, for whom each public university must allocate 10 places from the approved enrolment figure per university.[25] The law does not aim to tackle racial discrimination against Roma children or children belonging to other ethnic groups. However, aspects of the law might benefit Roma children because they are primarily confronted with the issue of lack of a personal identification number, along with other socially vulnerable categories, such as abandoned children, the elderly, immigrants.[26]

The number of complaints filed with the NCCD under the criteria of race, nationality and ethnicity reported for the year 2018 remains comparable to recent years, at around 13 % of the total number of complaints.[27] The rate of sanctions for discrimination on these grounds is around 20 % of the total number or fines/written warnings, which indicates that the NCCD is more likely to examine and apply a sanction in these cases compared to other grounds of discrimination, except for disability.[28] However, in 2019, the NCCD issued very low administrative fines (of RON 2,000 (€ 421)) in cases of discrimination on the ground of ethnicity in relation to behaviour by local authorities in respect of access for ethnic minorities to public services – school bussing and social housing in Roma communities from Făurei and Focșani respectively.[29]

[23] MP initiating the bill(2019), Public Statement, 8 January 2019.
[24] Romania, Senate, L652/2018 Bill to amend Art. 66 of the Law on National Education no.1/2011 (*L652/2018 Propunere legislativă pentru modificarea art.66 din Legea educației naționale nr.1/2011*).
[25] Romania, Senate, L652/2018 Bill to amend Art. 66 of the Law on National Education no.1/2011 (*L652/2018 Propunere legislativă pentru modificarea art.66 din Legea educației naționale nr.1/2011*).
[26] Guvernul României (Romanian Government), *Methodology for addressing the problem of lack of civil status documents, identity papers and housing documents (Metodologie pentru soluționarea problemei lipsei actelor de stare civilă, de identitate și locative)*, p. 13.
[27] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 8.
[28] NCCD (2019), *Activity Report 2018 (Raport de activitate 2018)*, p. 14.
[29] NCCD (2019), Press release, 16 January 2019.

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

In 2019, the authorities have still not finalised the long-awaited joint methodology for the investigation of hate crimes by law enforcement authorities. According to the 2018 Revised Action Plan reported to the Committee of Ministers of the Council of Europe in the execution of the ECtHR judgment in the case *M.C. and A.C. v Romania*, the Public Prosecution Service (*Ministerul Public*) and the Romanian Police (*Inspectoratul General al Poliției Române*) committed to adopting the above-mentioned methodology.[30] In December 2019, the Public Prosecution Service (*Ministerul Public*) stated that the draft methodology is still being analysed for proper application by the two institutions involved.[31] Moreover, throughout 2019, the authorities discontinued both all other measures included in the above-mentioned plan and the activities of the working group aimed at ensuring implementation of the judgment.[32] At the same time, negative attitudes towards LGBTI persons in Romania, including among public officials, persisted, which led the Committee of Ministers, at its 1355th meeting on 23-25 September 2019, to transfer this case to the enhanced procedure.[33]

Throughout 2019, the NCCD was prompt to intervene, sometimes *ex officio*, and sanctioned racist or xenophobic public discourse with administrative fines ranging from RON 5,000 (€ 1,000) to RON 12,000 (€ 2,500). For example, the NCCD sanctioned a football team for their supporters' shouts of racist and xenophobic slurs against Hungarians,[34] a TV talk show journalist for racist speech against Serena Williams,[35] and the deputy mayor of Bucharest for antisemitic statements directed at a Romanian citizen of Jewish descent.[36] This development is an improvement in effective sanctioning of hate speech in the field of racism and xenophobia compared to previous cases, where the NCCD sanctioned hate speech with only written warnings.

On 26 February 2019, the NCCD published a report on the situation after 10 years of implementing the Framework Decision on Racism and Xenophobia.[37] The report consists of desk research based on legal analysis and public information requests to competent authorities regarding the enforcement of hate crime legislation. The report identified serious flaws in data collection on hate crimes, which were also previously mentioned in our annual reports. Moreover, it concluded that a disproportionately low number of cases have been decided since the adoption of legislation on hate crime, compared to the results of the population survey detailed below. However, the report does not identify possible measures to address these gaps, but instead praises the public institutions mandated with training police and magistrates for their high awareness of the topic.[38]

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[30] ECtHR, *M.C. and A.C. v Romania*, 12060/12, 12 July 2016.
[31] The Public Prosecution Service (*Ministerul Public*) (2019), Response no. 1695/VIII-3/2019 of 05.12.2019.
[32] Department for the Execution of Judgments of the European Court of Human Rights (2019), 'Status of execution of *M.C. and A.C. v Romania*', 26.09.2019. See also Secretariat of the Committee of Ministers (2019), DH-DD(2019)350, *Communication from a NGO (ACCEPT Association) (14/03/2019)*, 02.04.2019.
[33] Committee of Ministers, 1355th meeting, 23-25 September 2019 (DH), H46-30 M.C. and *A.C. v. Romania* (Application No. 12060/12).
[34] NCCD (2019), Decision no. 617 of 18.09.2019. See also NCCD(2019), 'Press release on racist slogans from the football game between Dinamo Bucharest and Sepsi Sfântu Gheorghe', 18 September 2019.
[35] NCCD, 'Press release regarding the decision adopted by the Steering Committee of the NCCD in the meeting of 11.09.2019'.
[36] NCCD, 'Press release on the statements of Mr AB directed to a citizen belonging to the Jewish community', 17 July 2019.
[37] NCCD (2019), *10 years of the Framework Decision on preventing crimes, Romania committed to improve the data collection mechanisms and recording mechanisms of hate crimes* (*10 ani de Decizie-cadru privind prevenirea infracțiunilor, România angajată pentru îmbunătățirea mecanismelor de raportare și înregistrare referitoare la infracțiuni motivate de ură*), available at https://main.components.ro/uploads/1d3a0bf8b95391b825aa56853282d5da/2019/02/Raport_Proiect_NoIntoHate_2018.pdf, February 2019.
[38] NCCD (2019), *10 years of the Framework decision on preventing crimes, Romania committed to improve the data collection mechanisms and recording mechanisms of hate-crimes* (*10 ani de Decizie-cadru privind prevenirea infracțiunilor, România angajată pentru îmbunătățirea mecanismelor de raportare și înregistrare referitoare la infracțiuni motivate de ură*).

On 26 February 2019, the NCCD also published the results of a national survey of attitudes of the population towards the existence of discrimination and hate crimes in Romanian society.[39] The data show that the population's expectations of public discourse are of hate speech, because the population is marked by high levels of fear and bias against alterity, rejecting everything that is not typically Romanian – Orthodox, heterosexual, nationalist. 70 % of respondents declared that they know what hate speech is, and they have perceived it directly or indirectly in relation to ethnicity (47 %), political opinion (40 %), religion (33 %), sexual orientation (31 %) and disability (31 %). The most common places where hate speech occurs are on the street (53 %), at the workplace (24 %) and among friends (19 %). Hate crimes are also perceived as existing in society, most frequently verbal abuse (76 %), physical abuse (62 %), threats (53 %) and material damage (52 %). 70 % of the respondents declared that these offences should be punished by law.[40]

Civil society legal analysis, carried out in 2015[41] and reiterated in 2019,[42] reports that the definitions of specific hate crimes appear to lack the clarity that is mandatory for criminal law provisions, a possible explanation for the insignificant number of indictments in this field. *Incitement to hatred or discrimination* as stipulated in Article 369 of the Penal Code indicates an open-ended list of grounds of discrimination ("against a category of persons") and the content of illegal discourse punishable under this crime is confused with what constitutes the administrative offence under Article 15 of Government Ordinance no. 137/2000 regarding the prevention and combating of all forms of discrimination. In a decision of the Prosecutor's Office of District 6 Bucharest, communicated in January 2019, the criminal offence of *Abuse of office* by creating a situation of inferiority based on a ground of discrimination (Article 297(2) second thesis of the Penal Code) was also mistaken as the above-mentioned administrative offence: *"Neither of the two legal provisions [Article 297(2) second thesis of the Penal Code and Article 15 of the Government Ordinance no. 137/2000 regarding the prevention and combating of all forms of discrimination] does not stipulate the criteria based on which one can make a distinction between an administrative offence and a criminal offence, so that the persons know which behaviour attracts the most serious legal accountability, criminal accountability. Therefore, this is not a criminal law provision that is predictable, which is an absolutely essential condition for engaging criminal liability."*[43] Later, on 1 April 2019, a judge from the District (first instance) Court of District 6 Bucharest sanctioned the prosecutor's decision and ordered the re-opening of criminal investigation into the case; almost two and a half years after the incidents took place, the investigation is still pending.[44]

[39] IRES (2019), *National level survey on the level of discrimination in Romania and current perceptions regarding hate crimes* (*Sondaj de opinie la nivel national privind nivelul discriminării în România şi percepţiile actuale asupra infracţiunilor motivate de ură*), 2018. The research took place during November-December 2018, using a Computer Assisted Telephone Interviewing method. The sample was a probabilistic, multi-layered sample and nationally representative. It was formed of 1,300 persons, older than 18 years. The maximum acceptable error was ± 2.7 %.

[40] IRES (2019), *National level survey on the level of discrimination in Romania and current perceptions regarding hate crimes* (*Sondaj de opinie la nivel national privind nivelul discriminării în România şi percepţiile actuale asupra infracţiunilor motivate de ură*), 2018.

[41] Societatea Academică Română (SAR) (2015), *Comparative Analysis of legislation and jurisprudence in the field of hate speech and incitement to hatred* (*Analiză Comparativă asupra legislaţiei şi jurisprudenţei pe domeniul discursului discriminatoriu sau instigator la ură*), 2015.

[42] Secretariat of the Committee of Ministers (2019), DH-DD(2019)350, *Communication from an NGO (ACCEPT Association) (14/03/2019)*, 02.04.2019.

[43] Romania, Prosecutor's Office of District 6 Bucharest (*Parchetul de pe lângă Judecătoria Sector 6 Bucureşti*) (2018), Resolution of 28.12.2018 in File no. 6424/P/2017.

[44] Romania, District Court of District 6 Bucharest (*Judecătoria Sector 6 Bucureşti*) (2019), Judgment of 01.04.2019 in File no. 5362/303/2019.

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

Segregation in education continues to be a reality. According to the European Commission report of 2019 on education, the "analysis of 2015 PISA scores shows that most of the gap in performance between Romania and high performing EU countries is explained by the clustering of students in schools with students of the similar socioeconomic background". [45] The report emphasises that "poorer students are not only socially segregated together, but they also attend lower quality schools." The same report states that "apart from socioeconomic background, equity challenges disproportionally affect Roma and students from rural areas, who tend to have lower educational outcomes." [46]

In 2019 the Ministry of National Education (*Ministerul Educației Naționale* - MEN) started procedures for establishing the National Commission for Educational Desegregation and Inclusion (*Comisia Națională pentru Desegregare și Incluziune Educațională* - CNDIE), as stipulated in Order no. 6134/21.12.2016 on the prohibition of school segregation in pre-university education establishments (*Ordinul nr. 6134/2016 privind interzicerea segregării școlare în unitățile de învățământ preuniversitar*).[47] Its mandate is to coordinate implementation of the Action Plan for school desegregation and to increase educational quality in pre-university education units. MEN issued Note no. 364/06.11.2018 regarding the submission of applications for the completion of the National Commission for Desegregation and Educational Inclusion (CNDIE), according to the ethnic criterion (*NOTĂ no. 364/06.11.2018 privind depunerea candidaturilor în vederea completării Comisiei Naţionale pentru Desegregare şi Incluziune Educaţională (CNDIE), potrivit criteriului etnic*).[48] According to Order no. 6134/21.12.2016, the CNDIE has 17 members, four of whom are to be appointed from non-governmental or inter-governmental organisations. Two of the four members will be appointed from non-governmental or inter-governmental organisations whose object of activity is the promotion and protection of the rights of the Roma minority. MEN established in Note no. 364/06.11.2018 the criteria to be used for selection. NGOs and inter-governmental organisations were invited to send their applications between 6 November and 13 November 2018. Selection took place on 8 February 2019 and MEN issued Order no. 3141/2019 on the establishment, organisation and functioning of the National Commission for Educational Desegregation and Inclusion (*Ordinul nr. 3141/2019 privind înființarea, organizarea și funcționarea Comisiei Naționale pentru Desegregare și Incluziune Educațională*).[49] On the same day MEN issued the Regulation for the organisation and functioning of the National Commission for Educational Desegregation and Inclusion of 8 February 2019 (*Regulamentul de organizare și funcționare a Comisiei Naționale pentru Desegregare și*

[45] European Commission (2019). Education and Training Monitor 2019, Romania, p. 7.
[46] European Commission (2019). Education and Training Monitor 2019, Romania, p. 7
[47] Romania, Minister of National Education and Scientific Research, Framework Order no. 6134/21.12.2016 on the prohibition of school segregation in pre-university education (*Ordinul nr. 6134/2016 privind interzicerea segregării școlare în unitățile de învățământ preuniversitar*).
[48] Romania, Minister of National Education and Scientific Research, Note no. 364/06.11.2018 regarding the submission of applications for the completion of the National Commission for Desegregation and Educational Inclusion (CNDIE), according to the ethnic criterion (*NOTĂ no. 364/06.11.2018 privind depunerea candidaturilor în vederea completării Comisiei Naţionale pentru Desegregare şi Incluziune Educaţională (CNDIE), potrivit criteriului etnic*).
[49] Romania, Minister of National Education and Scientific Research, Order no. 3141/2019 on the establishment, organisation and functioning of the National Commission for Educational Desegregation and Inclusion (*Ordinul nr. 3141/2019 privind înființarea, organizarea și funcționarea Comisiei Naționale pentru Desegregare și Incluziune Educațională.*

Incluziune Educațională, din 08.02.2019).[50] The CNDIE includes two Roma NGOs: the Foundation Agenția de Dezvoltare Comunitară "Împreună" and the association Amare Romentza.[51] After consulting with non-governmental organisations in the field, at the end of November 2019 the Commission managed to approve the methodology for monitoring school segregation for all the criteria of school segregation established in the Order and the Methodology of prevention and intervention in school segregation situations.[52] The indicators for monitoring school segregation were designed and approved as being ready to be collected not only in three counties, as the minister of education appointed by the Social Democratic Party envisaged, but at national level, as was decided by the newly appointed minister of education. The Ministry of Education could issue the Order to start the collection of data at any time. The indicators designed to be collected at national level will ensure that potential cases of school segregation are signalled. Such cases will then be analysed in depth, based on a specific methodology, in order to establish if they are cases of school segregation or not. As pointed out by the expert interviewed, data collection will start soon, but it would take some time to see the results. It is expected that by the summer of 2020 there will be a database with the first type of indicators designed to signal potential cases of school segregation. [53]

There are no other initiatives addressing Roma segregation in education.[54]

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

No major policy or legal measures or developments directly addressing Roma inclusion at the national level were identified.

During the ongoing project *"No man's land": informal housing in Roma communities - recognition, accountability and shared solutions ("No man's land: locuire informală în comunitățile rome-recunoaștere, responsabilitate și soluții împărtășite)*[55] implemented by the PACT Foundation (*Fundația PACT*), MakeBetter Association (MKBT) (*Asociația MakeBetter*), Valea Corbului Initiative Group (*Grupul de Inițiativă Valea Corbului*), DEP Association (Development-Evolution-Partnership) Bumbești Jiu (*Asociația Dezvoltare-Evoluție-Parteneriat Bumbești Jiu*), and GAL (Local Action Group) Reșița (*Grupul de Acțiune Locală Reșița*), the NGOs involved focused their efforts on drawing public attention to the following aspects: that in Romania informal housing / settlements exist and the

[50] Romania, Minister of Education and Research, Regulation for the organisation and functioning of the National Commission for Educational Desegregation and Inclusion, of 08.02.2019 (*Regulamentul de organizare și funcționare a Comisiei Naționale pentru Desegregare și Incluziune Educațională, din 08.02.2019*).
[51] The composition of the National Commission for Educational Desegregation and Inclusion.
[52] Romania, Commission for Educational Desegregation and Inclusion, Methodology – Pilot for monitoring school segregation, (*Metodologie – pilot de monitorizarea segregarii scolare*), November 2019.
[53] Interview with the representative of the Foundation Agenția de Dezvoltare Comunitară "Împreună" in the CNDIE (29 November 2019).
[54]The statement is based on searching the news pages of the main ministries involved in Roma social inclusion - Ministry of Labour and Social Protection (*Ministerul Muncii și Justiției Sociale*), Ministry of Public Works, Development and Administration (*Ministerul Dezvoltării Regionale și Administrației Publice*), Ministry of Health (*Ministerul Sănătății*), Ministry of Education (*Ministerul Educației*), Ministry of European Funds (*Ministerul Fondurilor Europene*); short interviews with the president of the National Agency for Roma (*Agenția Națională pentru Romi - ANR*), with the president of the Foundation "Împreună" Community Development Agency (F*undația Agenția de Dezvoltare Comunitară "Împreună"*); the president of the Resource Centre for Roma Communities (*Centrul de Resurse pentru Comunitățile de Romi – CRCR*).
[55]https://fundatiapact.ro/projects/no-mans-land-un-proiect-menit-sa-gaseasca-solutii-multiple-la-problema-locuirii-informale/ https://fundatiapact.ro/en/projects/no-mans-land-un-proiect-menit-sa-gaseasca-solutii-multiple-la-problema-locuirii-informale/.

number is growing;[56] while funding is available, current programmes and regulations do not address this problem or they do not try to solve it; and that generally neither the relevant authorities nor the people affected directly know the issues and are aware of how urgent the need to find solutions is.

The project documented the phenomenon of informal housing in Romania, its scale and effects, with a special focus on Reșița, Bumbești-Jiu and Valea Corbului. The project, based on research and analysis of relevant legislation and policies, as well as on the obstacles in granting funding for informal settlements, managed to raise awareness about this situation among MPs, local authorities and the people directly affected. The project subsequently advocated for the introduction of the concept of informal housing in the legislation, and for finding solutions at a local level. On 3 October 2018, at the end of two years of research and awareness-raising, the NGO consortium managed to submit to the Romanian Parliament, with the support of 27 MPs from different parties, a legislative initiative dedicated to informal settlements – a bill for amending and completing Law no. 350/6 July 2001 on Spatial Planning and Urbanism or the Law of Informal Settlements (*Legea nr. 350 din 6 iulie 2001 privind amenajarea teritoriului şi urbanismul*).[57]

Law no. 151/2019 regarding informal settlements in Romania (*Legea nr. 151/2019 pentru completarea Legii nr. 350/2001 privind amenajarea teritoriului și urbanismul)* was promulgated on 24 July 2019.[58] The initiative ensured a voice for families that officially do not exist, their number being estimated by the NGO consortium at over 64,000 families.

Law no. 151/2019 provides the first legal definition of informal settlements – groupings of at least three units designed for housing, spontaneously developed and occupied by individuals or families belonging to vulnerable groups defined according to the Social Assistance Law no. 292/2011 (*Legea asistenței sociale nr. 292/2011*),[59] and who have no titles over the buildings they occupy. "Informal settlements are usually located on the outskirts of urban or rural localities, include improvised dwellings, made from recycled materials, and / or dwellings made from conventional building materials, and by localisation and socio-demographic characteristics they generate exclusion, segregation and social marginalisation. By being located in areas of natural risk (landslides, floods), biological risk (garbage dumps, landfills, contaminated sites and the like) or anthropic risk (safety zones or protection areas of Seveso[60] objectives, technical-public infrastructure and so forth), some informal settlements endanger the safety and health of their inhabitants." (Annex no. 2 – Definition of terms used in law – Law no. 151/2019).[61]

[56] The legislative proposal prepared by the NGO consortium substantiates its requests and the need for legislative change on the results of the study *Analiză privind așezările informale din România - Evaluarea situației actuale în vederea formulării unor reglementări și instrumente de intervenție,* realizat de I.N.C.D. URABN-INCERC (2014) la inițiativa Ministerului Dezvoltării Regionale și Administrației Publice (Analysis of informal settlements in Romania - Evaluation of the current situation in order to formulate regulations and intervention instruments, conducted by I.N.C.D. URABN-INCERC (2014) at the initiative of the Ministry of Regional Development and Public Administration).

[57] Romania, Law no. 350/6 July 2001 on Spatial Planning and Urbanism or the Law of Informal Settlements (*Lege nr. 350 din 6 iulie 2001 privind amenajarea teritoriului şi urbanismul*).

[58] Romania, Law no. 151/2019 for the completion of Law no. 350/2001 on spatial planning and urban planning (*Legea nr. 151/2019 pentru completarea Legii nr. 350/2001 privind amenajarea teritoriului și urbanismul*).

[59] Romania, Social Assistance Law no. 292/2011 (*Legea asistenței sociale nr. 292/2011*).

[60] Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, see The Seveso Directive - Technological Disaster Risk Reduction.

[61] Romania, Law no. 151/2019 for the completion of Law no. 350/2001 on spatial planning and urban planning (*Legea nr. 151/2019 pentru completarea Legii nr. 350/2001 privind amenajarea teritoriului și urbanismul*).

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

Unaccompanied children reaching the age of majority

Area of support	***Description***
Residence permit ***Reception conditions Directive (articles 6 and 7) and Qualification Directive (articles 24 and 31)***	All unaccompanied children receive temporary permits. Children who receive international protection retain the same status when they reach 18 years. Children who are still undergoing asylum procedure when they reach 18 years continue the procedures. In both cases, their permits are automatically renewed. The permit becomes permanent if the person receives international protection. The procedures are regulated through Law no. 122/2006 on asylum in Romania.[62] Unaccompanied children who receive international protection are granted the right to participate in the integration programme, which offers access to Romanian language courses, counselling, cultural accommodation training, and monetary support. Civil society organisations raise concerns[63] that this right can only be accessed in the first 30 days after protection has been granted, and that, due to the lengthy procedure for appointing a legal representative, many children miss this opportunity. In the case of children who are non-asylum seekers or children who are denied asylum, the regulatory framework is provided by Government Emergency Decree no. 194/2002 on the status of foreigners in Romania[64] and Law

[62] Romania, Law no. 122/2004 on asylum in Romania (*Legea nr. 122 din 4 mai 2006 privind azilul în România*), 4 May 2006.
[63] Letter to the Ministry of Labour and Social Protection, sent by the Coalition for the Rights of Migrants and Refugees (CDMiR), consulted by the researcher on 6 September 2019. Although the text has not yet been published on the CDMiR website, it is available to the public and can be provided on request (in Romanian).
[64] Romania, Emergency Ordinance no. 194/2002 on the status of foreigners in Romania (*Ordonanța de Urgență nr. 194 din 12 decembrie 2002 privind regimul străinilor în România*), 12 December 2002.

	no. 272/2004 on protecting and promoting the rights of children.[65] These children are granted tolerated status and a temporary permit, valid until the authorities, meaning the General Inspectorate for Immigration (*Inspectoratul General pentru Imigrări,* IGI), identify their country of origin and make contact with their family or other relative willing to receive them. If they accept voluntary return before reaching 18 years, if the authorities fail to identify their family, or the country refuses to accept them, the permit is automatically extended until they reach 18 years. When they reach 18 years, they receive no special status compared to other foreigners in Romania. Thus, they have 15 days to show a legitimate motive for being in Romania, or they are subject to the measure of expulsion. According to the opinion of civil society organisations,[66] it would simply be impossible to avoid expulsion. They also suggest that, in the very few such cases, the persons involved accepted voluntary return or just vanished, presumably crossing the border to another EU country.
Guardianship ***(representative under Reception Conditions Directive Article 24.1)***	The legal role of the guardian ends when the child reaches 18 years. There is no official initiative to extend this. Human rights organisations raise concerns[67] that in most cases guardians thus have a limited presence in the life of unaccompanied children, which affects their rights.
Accommodation ***Reception Conditions Directive Article 24.2***	Asylum seekers and beneficiaries of international protection are transferred to accommodation centres for adults when they reach 16 years. When they reach 18 years, they continue to receive accommodation support until their income will allow them to rent on the market.[68] Depending on individual conditions, accommodation support may consist of a place in an accommodation centre and partial or full reimbursement of the rent and associated costs. Non-asylum seekers and foreigners who do not receive international protection are not entitled to any accommodation or other support when they reach 18 years.

[65] Romania, Law no. 272/2004 on protecting and promoting the rights of children (*Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului*), Article 3, 21 June 2004.
[66] Opinions of representatives of Save the Children Romania and Terres des Hommes Romania, consulted by the researcher on 24 August 2019.
[67] Letter to the Ministry of Labour and Social Justice, sent by the Coalition for the Rights of Migrants and Refugees (CDMiR), consulted by the researcher on 6 September 2019. Although the text has not yet been published on the CDMiR website, it is publicly available and can be provided on request (in Romanian).
[68] Under the conditions established by Law no. 122/2006 on asylum in Romania (*Legea nr. 122 din 4 mai 2006 privind azilul în România*), 4 May 2006, for asylum-seekers, respectively Emergency Ordinance no. 194/2002 on the status of foreigners in Romania (*Ordonanța de Urgență nr. 194 din 12 decembrie 2002 privind regimul străinilor în România*), 12 December 2002, for other beneficiaries of international protection.

Return ***Return Directive, Article 10***	There are no legal provisions introducing special measures to prepare a foreigner of any age for the return procedure. As mentioned, there is no reported case of a child with tolerated status reaching 18 years,[69] and thus facing the return procedure. Representatives of human rights organisations are pessimistic about any support being offered in such cases.
Others	According to representatives of human rights organisations, non-asylum seekers and children who do not receive international protection "often remain stuck with an uncertain legal status (being 'tolerated') on the territory of Romania until they reach 18, without any concrete efforts to identify the family or to legalise the situation of those who are successfully integrated in the local community."[70] Often, their rights are not fully respected, and when they reach 18 years, the only likely path is expulsion to the country of origin.

[69] One such case may be reported before the end of 2019, according to representatives of Save the Children Romania consulted by the researcher on 24 August 2019.
[70] Letter to the Ministry of Labour and Social Justice, sent by the Coalition for the Rights of Migrants and Refugees (CDMiR), consulted by the researcher on 6 September 2019. Although the text has not yet been published on the CDMiR website, it is publicly available and can be provided on request (in Romanian).

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

In the last year the activity of the National Data Protection Supervisory Authority (*Autoritatea Naţională de Supraveghere a Prelucrării Datelor cu Caracter Personal*, ANSPSCP*)* significantly increased: between 25 May 2018 and 24 May 2019 the number of complaints almost doubled, reaching 5,260, in comparison to 3,734 complaints in the previous year. In addition, 9,439 data protection officers were registered and the ANSPSCP initiated 485 ex officio investigations; the authority also investigated 496 complaints and issued 23 warnings and 57 sanctions.[71] The ANSPSCP occasionally collaborates with non-governmental organisations: for example, on 24 October 2019 it participated in a panel organised by an NGO in Cluj Napoca on data protection obligations for NGOs.[72] No specific commitment on fostering collaboration with NGOs was identified in the documents of the ANSPSCP.

In 2019 the Romanian Senate modified the Statute of the National Data Protection Supervisory Authority (*Autoritatea Naţională de Supraveghere a Prelucrării Datelor cu Caracter Personal)* and increased its staff from 50 to a maximum of 85, made 10 cars available for its work, and clarified the function and role of five departments: the economic department, legal and communication department, external relations service, complaints department and control department.[73]

[71] According to a press-release issued by the National Data Protection Supervisory Authority (*Autoritatea Naţională de Supraveghere a Prelucrării Datelor cu Caracter Personal*) on 31 May 2019.
[72] According to a press release issued by the National Data Protection Supervisory Authority (*Autoritatea Naţională de Supraveghere a Prelucrării Datelor cu Caracter Personal*) on the 24 October 2019, available in Romanian at: https://www.dataprotection.ro/?page=Reuniune_aplicarea_GDPR_de_ONG&lang=ro
[73] Romania, Permanent Bureau of the Senate, Decision no. 18/2019 for the amendment and completion of the Regulation for the organisation and functioning of the National Supervisory Authority for the Processing of Personal Data, approved by the Decision of the Permanent Bureau of the Senate no. 16/2005 (*Senatul Romaniei, Hotărâre nr. 18/2019 pentru modificarea și completarea Regulamentului de organizare și funcționare a Autorității Naționale de Supraveghere a Prelucrării Datelor cu Caracter Personal, aprobat prin Hotărârea Biroului permanent al Senatului nr. 16/2005*), 3 July 2019.

2. Artificial intelligence and big data

MS	Actor *	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
RO	Government	Strategy	On 20 June 2019 the Romanian Government adopted a Government Decision for the Strategy on 5G technology for Romania.[74] The strategy describes the advantages of 5G technologies, their practical application and concrete steps Romania needs to follow between 2019 and 2030 in order to stimulate the use of 5G technology in Romania. One of the justifications for promoting 5G technology, listed in the strategy, is because of its ability of facilitate further development of the internet of things, artificial intelligence and future new industries.	no	no	Romanian Government Decision no. 429/2019 (*Hotărâre nr. 429 din 20 iunie 2019 pentru aprobarea Strategiei 5G pentru România*), 20 June 2019.

[74] Romania, Government Decision for the approval of the 5G Strategy for Romania, no. 429/2019 (*Hotărâre nr. 429 din 20 iunie 2019 pentru aprobarea Strategiei 5G pentru România*), 20 June 2019.

3. Data retention

At the end of 2018 the Romanian Parliament (*Parlamentul României*) adopted a Law implementing Directive 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.[75] A Romanian NGO specialising in digital rights, which analysed the Law before it was adopted, found that the Law follows the Directive, and found very few issues with the law, which were later addressed in the adopted version.[76]

A tragic incident took place in Romania in August 2019, when a kidnapped young woman was killed despite having called the emergency number 112 to report her abduction. The responsible state bodies failed to track her exact location in due time. Following this tragic incident the Romanian Government adopted an Emergency Ordinance which imposes a series of new obligations on electronic communication service providers. It requires them to update monthly and share with state officials the phone numbers and private data of their users and to collect private data on end users of pre-paid phone cards they sell. It prohibits them offering telephone services to unidentified card users as of 1 September 2020, and makes it mandatory for electronic communication service providers to offer, at their own cost, standard technical messages which allow the localisation of end users.[77] The Ombudsman's office criticised this Emergency Ordinance and challenged it before the Constitutional Court, claiming that there is no clear justification for such a law to be adopted through an emergency procedure and not through a parliamentary procedure, and that this law does not offer sufficient guarantees for the protection of private data.[78] This new law was supposed to enter into effect on the 1st of January 2020 but the Government adopted an Emergency Ordinance postponing its entry into force until 31 March 2020.[79]

[75] Romania, Law no. 362/2018 on ensuring a high common level of security of network and information systems (*Lege nr. 362/2018 privind asigurarea unui nivel comun ridicat de securitate a rețelelor și sistemelor informatice*), 28 December 2018.

[76] Romanian Association for Technology and Internet (*Asociatia pentru Tehnologie si Internet, ApTI*), 'Comentarii la proiectul de lege privind implementarea Directivei NIS' (Comments on the draft law implementing the NIS Directive), 28 April 2018.

[77] Romania, Governmental Emergency Ordinance no. 62/2019 amending and supplementing the Government Emergency Ordinance no. 34/2008 regarding the organisation and functioning of the single national system for emergency calls and for completing the Government Emergency Ordinance no. 111/2011 regarding electronic communications (*OUG nr. 62/2019 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 34/2008 privind organizarea și funcționarea Sistemului național unic pentru apeluri de urgență și pentru completarea Ordonanței de urgență a Guvernului nr. 111/2011 privind comunicațiile electronice*), 27 August 2019.

[78] According to a press release issued by the Ombudsman office (*Avocatul Poporului*) on 12 September 2019.

[79] Romania, Emergency Ordinance no. 89/2019 modifying Emergency Ordinance 111/2011 on electronic communications (*Ordonanța de Urgență nr. 89 din 30 decembrie 2019 pentru modificarea art. 51^1 alin. (1) și (4) din Ordonanța de urgență a Guvernului nr. 111/2011 privind comunicațiile electronice și modificarea unor acte normative*), 31 December 2019.

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

Legislative changes	Amendment of the Code of Criminal Procedure In February 2019 the Romanian Government published a draft, including legislative changes to the Code of Criminal Procedure, for transposing 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.[80] The deadline for transposing the directive expired on 11 June 2019. On 24 June 2019 the Romanian Government published a press note regarding the draft law,[81] according to which the proposed amendments were included in the agenda for the sitting of the Romanian Government which took place on 25 June 2019. No further public information is available on the proposed amendments, nor have they been published in the Romanian Official Journal. The legislative changes for transposing the directive mainly revolve around the right of the child suspect and their family to information (in simple and accessible language), access to legal aid and respect for the child's private life. The draft was adopted with amendments by the Government on 24 June 2019, but has not so far been adopted by the Parliament.
Policy developments	No specific guidance or training for law enforcement officers, judges and legal practitioners on the treatment of child suspects and their procedural safeguards, in accordance with the directive, was reported by these institutions or by NGOs in 2019.
Other measures or initiatives	No relevant activities to promote alternatives to detention; no community involvement or general initiatives related to the dissemination of information in relation to the entering into force of the directive were identified in 2019

The NGO Save the Children Romania (*Salvați Copiii România)* published an assessment on the observance of the rights of children in Romania in November 2019.[82] The report provides updated information regarding poverty among children, stating that approximately 21.5 % of Romanian children live in severe material deprivation (the lowest indicator in the EU) and more than 150,000 children go to bed hungry each evening. In addition, the infant mortality rate of 6.5 % is the highest in the EU. In regard to school drop-out rates, the Save the Children report found that for the academic year 2017/18, the drop-out rate for primary and secondary schools

[80] 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.
[81] Romania, General Secretariat of the Government (*Secretariatul General al Guvernului*) (2019), 'Informație de Presă privind proiectele de acte normative care vor fi incluse pe agenda ședinței Guvernului României din 25 iunie 2019', press release, 24 June 2019.
[82] Salvați Copiii (2019), 'Respectarea drepturilor copilului în România', 19 November 2019.

was 1.7 % (approx. 30,000 pupils). The report collected official information on child abuse and neglect, mentioning 15,000 cases reported by the local authorities in 2018, with 94 % of the cases taking place within the family. Two thirds of the children reported being subjected to emotional abuse and light physical abuse, and approximately one in every three children in secondary or high school mentioned being subjected to violence by other children in school. As for children with disabilities, the report mentions that there are 65,731 children with disabilities in Romania for whom their parents initiated the procedures to be awarded a type of disability certificate. Fewer than half the children with disabilities (42 %) were enrolled in regular school in 2016, a rather large percentage considering the failure of the public educational system to ensure inclusive education – only 30 % of schools have an access ramp; around 15 % of schools have accessible toilets; school curricula and educational materials are not adapted.[83]

2. Legal and policy measures or initiatives developed about child internet safety

Legal measures developed about child internet safety in 2019

No specific legal measures on child internet safety were identified during the reporting period.

Policy measures developed about child internet safety in 2019

No specific policy measures on child internet safety were identified during the reporting period.

Initiatives developed about child internet safety in 2019:

During the reporting period, several government institutions and NGOs implemented awareness activities and campaigns aiming to promote child internet safety.[84]

- Internet Hour – a project managed by the NGO Save the Children Romania, in which the Romanian Police (*Inspectoratul General al Poliției Române*, IGPR) and the National Authority for the Protection of the Rights of the Child (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție,* ANPDCA) are partners, with a focus on **child internet safety awareness for children, families and social assistance professionals.** This project is co-financed by the European Commission within the Connecting Europe Facility programme and aims to create information centres across the European Union, promoting safe use of the internet for children, their families and professionals who interact with them.[85]
- Crime Prevention Week – run by the Romanian Police (*Inspectoratul General al Poliției Române*, IGPR) between 3-7 June 2019, when children were educated on crime prevention, online crime included.[86]
- Cyber Security Month – a project run by the Romanian Police (*Inspectoratul General al Poliției Române,* IGPR)**,** in partnership with the Department for Combating Organised Crime (*Departamentul pentru Combaterea Crimei Organizate)* and representatives of the

[83] Salvați Copiii, *Respectarea drepturilor copilului în România*, 19 November 2019.
[84] Information collected through public information requests and desk research.
[85] https://oradenet.salvaticopiii.ro/.
[86] https://www.politiaromana.ro/ro/comunicate/prevenirea-inainte-de-toate-saptamana-prevenirii-criminalitatii-la-final.

American Embassy in Bucharest**,** which consists of meetings with high school students, in order to teach them how not to become victims on the internet.

- In the context of Romania's presidency of the Council of the European Union, the National Institute on Crime Research and Prevention (*Institutul de Cercetare și Prevenire a Criminalității*) organised an International Conference on Child Online and Offline Victimisation. One of the resolutions at the conference was the creation of a toolbox for preventative intervention within the Member States, in which online influencers, bloggers and vloggers would educate on crime prevention and internet safety.[87]
- I choose consciously. Stop internet addiction – a project run by the NGO Save the Children Romania, in partnership with the National Authority for the Protection of the Rights of the Child (*Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție,* ANPDCA), a competition for students from 1st to 12th grades, aimed at raising awareness on internet safety.[88]
- The National Agency against Human Trafficking *(Agenția Națională Împotriva Traficului de Persoane)* ran several projects at local level, through regional centres aimed at raising awareness on internet safety among children/students.[89]

[87] https://www.romania2019.eu/2019/06/12/reteaua-europeana-de-prevenire-a-criminalitatii-reunita-la-bucuresti/.
[88] https://oradenet.salvaticopiii.ro/concurs2019.
[89] http://anitp.mai.gov.ro/childrenprograms_categories/campanii/.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

In April the Romanian Government adopted an emergency ordinance on measures to ensure the protection of victims of crimes, with the stated objective of avoiding an infringement procedure for lack of transposition of the Victims' Rights Directive.[90] The main changes brought by the new emergency ordinance are that: victims have their victim status recognised from the moment of identification; victim status is not conditional on submitting a criminal complaint; the law provides more information on how victims are informed of their rights; and how the initial evaluation is carried out.[91]

According to the new text, a new department is to be established within the social assistance services, with responsibility for providing services to victims of crimes and including social workers, psychologists and legal advisers. The law also allows for private entities to provide services for victims of crimes.[92] By the end of November 2019, nine such victim support departments were set up, in nine different counties, each of them having at least three specialists working for them (a social worker, legal adviser and a psychologist).[93]

2. Violence against women

Domestic violence continues to be a big problem in Romania. Between January and June 2019, Romanian police received 11,456 complaints relating to domestic violence, of which around 81 % of victims were women,[94] an increase in complaints compared with 2018.[95] In the same period the police received complaints regarding 88 rapes, 43 sexual abuse complaints and 33 complaints relating to sexual acts with a child. [96]

In order to combat and prevent violence against women and children in particular, in 2019 the Romanian Parliament adopted a law creating a special register for sex offenders.[97] The register is

[90] 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.
[91] 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, Arts. 3, 6.
[92] 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.
[93] According to response no 3398 of 30 December 2019, from the Romanian Ministry of Labour to a Access to Public Information Request.
[94] According to data obtained by the Romanian Network for the Prevention of Violence Against Women (*Rețeaua pentru prevenirea și combaterea violenței împotriva femeilor*) for the first six months of 2019.
[95] According to data obtained by the Romanian Network for the Prevention of Violence Against Women (*Rețeaua pentru prevenirea și combaterea violenței împotriva femeilor*) for 2019.
[96] According to data obtained by the Romanian Network for the Prevention of Violence Against Women (*Rețeaua pentru prevenirea și combaterea violenței împotriva femeilor*) for the first six months of 2019.
[97] Romania, Law no. 118/2019 on the National Register for people who commit sexual crimes, who exploited other people and who committed crimes against children and completing Law no. 76/2008 on the setting up and functioning of the National Judicial Genetic Data System (*Legea nr. 118/2019 privind Registrul național automatizat cu privire*

kept by the Romanian Ministry of Internal Affairs (*Ministerul Afacerilor Interne*) and includes data on people convicted of committing the following crimes: rape, human trafficking, pandering, exploitation of begging, trafficking of children, sexual abuse, child pornography, incest.[98] People who are listed on this register must inform the police periodically about where they work or study and if they move, while the police must check up on them at their home at least once every three months. [99]

la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare), 26 June 2019.

[98] Romania, Law no. 118/2019 on the National Register for people who commit sexual crimes, who exploited other people and who committed crimes against children and completing Law no. 76/2008 on the setting up and functioning of the National Judicial Genetic Data System (*Legea nr. 118/2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare*), 26 June 2019, Arts. 1, 2, 5.

[99] Romania, Law no. 118/2019 on the National Register for people who commit sexual crimes, who exploited other people and who committed crimes against children and completing Law 76/2008 on the setting up and functioning of the National Judicial Genetic Data System (*Legea nr. 118/2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare*), 26 June 2019, Art. 12.

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

1. CRPD policy & legal developments

Several legal and policy reforms relevant for the implementation of the CRPD are currently in progress in Romania. One of these relates to the amendment of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities.[100] The reform was initiated in May 2017 with a view to implementing the general measures imposed following the ECtHR's judgment in the case of *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*.[101] According to the Romanian Government, the draft law would make supported decision-making mechanisms available for people with disabilities and would give the National Monitoring Council a supervisory role for such practices.[102] In April 2019 the Romanian Government claimed before the Council of Europe that a proposed draft law was soon to be submitted for endorsement to the relevant ministries, following which it was to be sent to the Parliament. The proposed amendments[103] have been criticised by civil society as allegedly insulating and preserving a system of deprivation of legal capacity which violates the CRPD.[104]

Another reform concerns the mental health field.[105] The latest relevant meeting, organised by the Ministry of Health (*Ministerul Sănătății,* MS) and involving NGOs and the Romanian Association of Psychiatry and Psychotherapy (*Asociația Română de Psihiatrie și Psihoterapie*), took place in August 2019.[106] During the meeting, the Minister of Health promised to create an inter-ministerial committee to lead the reform and NGOs demanded that the 2006 strategy on mental health be implemented, underlining the need to provide it with a specifically allocated budget.[107] The NGO Centre for Legal Resources (*Centrul pentru Resurse Juridice*, CRJ) also asked to be given the right to make unannounced monitoring visits to psychiatric hospitals. The NGO had this right for 15 years, until 2017, when it was revoked by the Minister of Health of

[100] Romania, Law no. 448 of 6 December 2006 regarding the protection and promotion of the rights of persons with handicap (*Legea nr. 448 din 6 decembrie 2006 privind protecţia şi promovarea drepturilor persoanelor cu handicap),* 6 December 2006.
[101] European Court of Human Rights (ECtHR), *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*, No. 47848/08, 17 July 2014.
[102] Romania, *Communication from the authorities on the general measures in the case of Centre for Legal Resources on behalf of Valentin Campeanu v. Romania (Application No. 47848/08),* 24 April 2019.
[103] Romania, Draft law for amending and completing some normative acts (*Proiect de Lege pentru modificarea şi completarea unor acte normative*), 5 April 2019.
[104] Association for the support of children with special needs 'Dr. Katz'(2019), *Submission by the Association for the support of children with special needs 'Dr. Katz' in the case Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania (Application no. 47848/08)*, 20 May 2019.
[105] Romania, Law no. 487 of 11 July 2002 on mental health and the protection of persons with mental disorders (*Legea nr. 487 din 11 iulie 2002 a sănătăţii mintale şi a protecţiei persoanelor cu tulburări psihice*), 11 July 2002.
[106] Centre for Legal Resources (*Centrul de Resurse Juridice)*(2019), 'Precizări privind întâlnirea cu Ministrul Sănătății ' (Details about the meeting with the Minister of Health), 27 August 2019.
[107] Newsweek Romania (2018), 'Dezbatere la MS în psihiatrie. Acuzație: Pintea nu știa de strategia din 2006. Ce cer ONG-urile' (Debate on psychiatry at the Ministry of Health. Accusation: Pintea was unaware of the 2006 strategy), 27 August 2018.

that time. The right had been reinstated briefly in 2019, with the Minister changing her mind in less than a week.[108]

Discussions are also ongoing in relation to reform of the forensic system.[109] Initiated in 2014, this initiative led to many roundtables organised with a variety of stakeholders, including representatives of the Parliament, the Ministry of Justice and the Ministry of Health. A multidisciplinary working group was established with the purpose of promoting comprehensive reform of the forensic mental healthcare regime. The group drafted a law "on the execution of security measures of a medical nature", which includes provisions that would ensure that forensic psychiatric hospitals develop more diverse therapies firmly geared towards social reinsertion, introduce conditional discharge and monitored community intervention programmes, promote the therapeutic use of security measures, diversify patient housing options based on individual risk, among other measures. The Government stated it will start running pilot projects to support the deinstitutionalisation of the residents who are ready to leave forensic psychiatric hospitals.[110] In light of the above, it could be stated that, while Romania is to be commended for having initiated such reforms, their pace is slow and no time frame for their conclusion has been envisaged.

Steps are also being made in the process of deinstitutionalisation of people with disabilities. On 19 November 2018 the National Authority for Persons with Disabilities (*Autoritatea Națională pentru Persoanele cu Dizabilități,* ANPD) adopted a methodology for the reorganisation of residential centres for adult persons with disabilities.[111] The Ministry of Regional Development and Public Administration has allocated € 16 million for projects for 71 sheltered housing facilities and 23 community centres. An additional € 23 million was earmarked through National Interest Programmes (PIN) approved by Government Decisions for the construction of sheltered housing and the rehabilitation of day-care centres.[112] A similar approach was also applied to institutions for children. A comprehensive plan for the transition from institutional to community-based care for children has been adopted,[113] and a call for proposals targeted at 50 large-scale institutions has been launched.[114]

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[108] Newsweek Romania (2018), 'Dezbatere la MS în psihiatrie. Acuzație: Pintea nu știa de strategia din 2006. Ce cer ONG-urile' (Debate on psychiatry at the Ministry of Health. Accusation: Pintea was unaware of the 2006 strategy), 27 August 2018.

[109] Romanian National Council on Disability (2019), 'Modernizarea sistemului de psihiatrie medico-legală, în concordanță cu recomandările din decizia CEDO în cazul N contra României' (Modernisation of the forensic psychiatric system, in accordance with the recommendations of the ECtHR decision in *N v. Romania*), 19 February 2019.

[110] Romania, *Communication from the authorities on the general measures in the case of Centre for Legal Resources on behalf of Valentin Campeanu v. Romania (Application No. 47848/08),* 24 April 2019.

[111] Romania, National Authority for Persons with Disabilities, Methodology for elaborating the plan for restructuring residential centres for adults with disabilities (*Metodologia de elaborare a planului de restructurare a centrelor rezidențiale pentru persoanele adulte cu handicap*),19 November 2018.

[112] Romania, Government Decision no. 798/2016 regarding the approval of the programme of national interest in the field of protection and promotion of the rights of persons with disabilities (*Hotărârea Guvernului nr. 798/2016 privind aprobarea programului de interes naţional în domeniul protecţiei şi promovării drepturilor persoanelor cu dizabilităţi*), 26 October 2016 and Romania, Government Decision no. 193/2018 regarding the approval of the programme of national interest in the field of protection and promotion of the rights of persons with disabilities (*Hotărârea Guvernului nr. 193/2018 privind aprobarea programului de interes naţional în domeniul protecţiei şi promovării drepturilor persoanelor cu dizabilităţi*), 4 April 2018.

[113] Romania, Operational Programme Administrative Capacity 2014-2020 (POCA), Project: Elaboration of the DI plan for children in institutions and ensuring their transition to care in the community – SIPOCA 2 Code, awarded to the National Authority for the Protection of Children's Rights and Adoption. Start date: 31 March 2016, implementation period: 30 months. Total amount: RON 13,503,126.00 (of which RON 11,346,946.84 is the financial contribution from the European Union and RON 2,156,179.16 is the beneficiary's own contribution).

[114] Romania, Operational Programme Human Resources (2014-2020), Applicant's Guide. Specific conditions. Reducing the number of children and young people placed in institutions, by strengthening the network of maternal

While this can be seen as progress, due consideration must be given to the fact that in practice the allocation of funds appears to be difficult. There are counties which did not apply for funds at all and overall very few financing contracts have been concluded. In addition, the practice of institutionalisation of persons with disabilities is still ongoing.[115]

Other minor changes include an increase in certain social benefits available to children with disabilities. In February 2019 the quantum of the allowances available for them was doubled.[116] In August 2019 more high school students with disabilities or having family members with disabilities became eligible for certain social benefits, as their disability benefits are no longer taken into consideration when assessing the family income in order to determine their eligibility.[117] Simultaneously, 2019 started with a heated debate in relation to the decision of the Government to stop the financing from the central state budget of certain services available for people with disabilities.[118] Coverage of these services was transferred to local authorities, many of which claimed they could not afford it. As a result hundreds of people remained without a personal assistant and many community-based services are reported to be in danger.[119]

2. CRPD monitoring at national level

a) Describe key developments/changes relating to these structures, with a particular focus on the independence of the monitoring framework (Article 33(2)) and the involvement of civil society in the monitoring framework. Outline key activities/outputs of the monitoring framework.

The National Authority for Persons with Disabilities (*Autoritatea Națională pentru Persoanele cu Dizabilități,* ANPD*)*, which is the independent central authority designated to carry out the obligations set out in the CRPD, constitutes the coordination mechanism the State Party had to create in its implementation of Article 33 (1). From the website of the institution and based on discussions with several NGOs, it appears that the ANPD does not regularly and effectively involve civil society in its daily activities. Moreover, the ANPD does not play a visible role in any of the reforms discussed above. It is, however, active in the implementation of projects co-

assistants (*Ghidul Solicitantului. Condiții specific. Reducerea numărului de copii și tineri plasați în instituții, prin consolidarea rețelei de asistenți maternali*), 12 September 2018.

[115] Centre for Legal Resources, Communication from a NGO in the case of Centre for Legal Resources on behalf of Valentin Campeanu v. Romania (Application No. 47848/08), 29 November 2018.

[116] Romania, Ordinance no. 9 of 8 August 2019 for amending and supplementing Law no. 95/2006 on health reform, as well as for the modification and completion of some normative acts in the field of health, of some regulations regarding national government programmes and fiscal-budgetary measures (*Ordonanța nr. 9 din 8 august 2019 pentru modificarea și completarea Legii nr. 95/2006 privind reforma în domeniul sănătății, precum și pentru modificarea și completarea unor acte normative în domeniul sănătății, a unor reglementări cu privire la programe guvernamentale naționale și cu privire la măsuri fiscal-bugetare*), 8 August 2019.

[117] Romania, Amendment of Decision no. 1488/2004 regarding the approval of the criteria for and the amount of the financial support granted to students within the National programme of social protection High school money (*Hotărârea nr. 1488/2004 privind aprobarea criteriilor și a cuantumului sprijinului financiar ce se acordă elevilor în cadrul Programului național de protecție socială Bani de liceu),* 21 September 2004.

[118] Digi24 (2019), *'„În buget, banii alocați pentru persoanele cu dizabilități sunt zero. Au tăiat tot, absolut tot!"'* (: "In the budget, the money allocated for people with disabilities is zero. They cut everything, absolutely everything!"), 8 February 2019 and Digi24 (2019), '*Ministrul Muncii le răspunde părinților copiilor cu dizabilități'* (The Minister of Labour responds to parents of children with disabilities), 8 February 2019.

[119] European Centre for the Rights of Children with Disabilities (2019), 'Open letter to the Government of Romania and the Ministry of Public Finance' (*Scrisoare deschisă către Guvernul României și către Ministerul Finanțelor Publice*), 19 July 2019.

funded through the European Structural and Investment Funds, in addition to being in charge of the distribution of part of these. For example, since 11 July 2019 it has been implementing a project aimed at creating a centralised national online platform for collecting, storing and distributing information regarding the cases of persons with disabilities to central and local public authorities, individual beneficiaries and institutional partners.[120] Moreover, in 2018 and 2019 the ANPD issued several calls for proposals, targeting NGOs which are accredited as social services providers working on the protection of persons with disabilities. The targeted projects related to deinstitutionalisation, including community-based support services, residential settings and services which would ensure the participation of people with disabilities in non-formal education, cultural, sports, leisure and recreational activities.[121] This was a step forward, given that in previous calls NGOs could not apply, public authorities being the only eligible candidates.

On 28 November 2019 the Ministry of Labour and Social Protection proposed[122] establishing the National Authority for the Rights of Persons with Disabilities, Children and Adoption (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții,* ANDPDCA), which would take over the activities, powers and structures of the NAPD and of the National Authority for the Protection of the Rights of the Child and Adoption, both of which would be abolished. The measure was officially justified as being necessary given the overlapping mandates of the two authorities and the necessity to adopt a common and progressive vision. While some NGOs commended the measure, others expressed concerns, as it might be perceived as infantilising adults with disabilities by suggesting that their needs are to be approached through policies similar to those addressing the needs of children, which goes against the paradigm promoted by the UN CRPD. Moreover, given that the merging of the two entities did not come with the merging of their budgets, but with the establishing of a new, smaller budget allocation, concerns can also be raised in relation to its financial sustainability.

The Council for Monitoring Implementation of the UN CRPD was established in 2016, following the obligation related to the framework to promote, protect and monitor implementation of the CRPD – Article 33 (2).[123] Its mandate is to monitor institutions and facilities where services for people with disabilities are offered. In 2016 and 2017 the Council was harshly criticised for focusing only on logistics, which led to its president being replaced.[124]

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[120] Romania, Ministry of Labour and Social Protection, 'Proiectul „Sistem Național de Management privind Dizabilitatea"' (The project "National Disability Management System"), 23 September 2019.

[121] Romania, Ministry of Labour and Social Protection, 'Selecția publică de proiecte în domeniul protecției persoanelor cu dizabilități, anul 2019, sesiunea 2' (Public selection of projects in the field of protection of persons with disabilities, 2019, session 2), 5 September 2019 and Romania, Ministry of Labour and Social Justice, 'Selecție publică de proiecte din cadrul PIN 2018' (Public selection of projects under PIN 2018), 20 August 2019.

[122] Romania, Ministry of Labour and Social Protection (Ministerul Muncii și Protecției Sociale) (2019), 'Hotărârea privind organizarea și funcționarea Autorității Naționale pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții, prin care se elimină bariere instituționale și se reduc cheltuieli, în dezbatere publică', press release, 28 November 2019.

[123] 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.

[124] Stiripesurse.ro (2017), 'BM a fost revocată din funcția de președinte al Consiliului de monitorizare a implementării Convenției privind drepturile persoanelor cu dizabilități' (BM was removed from the position of President of the Council for monitoring the implementation of the Convention on the Rights of Persons with Disabilities), 13 November 2017.

In 2018 and 2019 its operational capacity has improved. On its website,[125] which became functional in the second half of 2018, the Council published 97 reports on visits carried out by its staff (60 in 2018 and 37 in 2019).[126] The budget allocated to the Council by the state increased steadily.[127] However, the body continues to be controversial. Its president is a former Member of Parliament from the ruling party PSD, who has an academic background in engineering. Moreover, the Romanian NGO most widely known for conducting monitoring in institutions for people with disabilities, the Centre for Legal Resources, alleges that the Council has made efforts to impede its access to residential centres and refused to provide information of public interest concerning its activity.[128] The Council has also been criticised for only carrying out monitoring visits and publishing reports, while ignoring its other duties. There is no indication of how it monitors implementation of the recommendations it makes, and it seems unable to ensure that deaths and any evidence of abuse are reported to the investigative authorities. The Council has never submitted any such report and remains unknown and invisible, its voice not being heard among stakeholders or by the wider public.[129] Moreover, a cross-party draft law, which is currently being considered by the Parliament, proposes its replacement, at least partially, with a new body. This new entity, entitled Tripartite National Council for Persons with Disabilities (*Consiliul Național Tripartid pentru Persoane cu Handicap*), would function as a watchdog organisation, charged with the "supervision of the measures provided by national legislation, in order to increase accessibility and to establish the conditions necessary for the social integration and inclusion of persons with disabilities". This body would include representatives of non-governmental organisations.[130]

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
RO[131]	Focal points within the Ministry of National Education and Scientific Research, the Ministry of Justice, the Ministry of Health, the Ministry of Communications and Information Society and the Ministry of European Funds.	National Authority for Persons with Disabilities (*Autoritatea Naţională pentru Persoanele cu Dizabilităţi)* under the Ministry of Labour and Social Justice (*Ministerul Muncii și Justiției Sociale*)	Council for monitoring the implementation of the UN CRPD (Monitoring council) (*Consiliul de monitorizare a implementării Convenţiei*)

[125] Council for Monitoring the Implementation of the UN CRPD

[126] Council for Monitoring the Implementation of the UN CRPD, Rapoarte de monitorizare (Monitoring Reports), last visited on 5 October 2019.

[127] Council for Monitoring the Implementation of the UN CRPD, Bugetul Consiliului (Budget of the Council), last visited on 5 October 2019.

[128] Centre for Legal Resources, Communication from a NGO in the case of Centre for Legal Resources on behalf of Valentin Campeanu v. Romania (Application No. 47848/08), 29 November 2018.

[129] Newsweek Romania (2019), 'Consiliul de Monitorizare, o palmă peste obrazul oamenilor cu dizabilități' (The Monitoring Council, a slap in the face of people with disabilities), 1 March 2019.

[130] Romania, Pl-x nr. 204/2019 Propunere legislativă pentru modificarea unor acte normative privind protecția și promovarea drepturilor persoanelor cu handicap, currently pending consideration before the Chamber of Deputies.

[131] According to Articles 15 and 16 of 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 din 18 ianuarie 2016*), 18 January 2016.

Annex 1 – Promising Practices

Thematic area	**EQUALITY AND NON-DISCRIMINATION** Please provide one example of a rights awareness campaign held in your country in 2019 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 2019 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.
	No promising practice has been identified for this thematic area.

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.
	No promising practice has been identified for this thematic area.

Thematic area	**ROMA INTEGRATION** Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
	No promising practice has been identified for this thematic area.

Thematic area	**INFORMATION SOCIETY, DATA PROTECTION** Please provide one example of a promising practice in relation to one of the topics addressed in this Chapter
	No promising practice has been identified for this thematic area.

Thematic area	**RIGHTS OF THE CHILD** Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	Ora de Net
Title (EN)	The Internet Hour
Organisation (original language)	Salvați Copiii România
Organisation (EN)	Save the Children Romania

Government / Civil society	Civil society
Funding body	Orange Foundation
Reference (incl. url, where available)	https://oradenet.salvaticopiii.ro/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2016 - present
Type of initiative	Civil society initiative
Main target group	Children and teenagers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Internet Hour is a unique European programme in Romania that promotes creative, useful and safe use of the internet by children and teenagers. Main activities include: coordination of a large network of volunteers who implement educational activities at national level, organise training and develop educational resources for parents, teachers and specialists, and provide counselling and advice – children and teenagers can ask any question related to the internet or use of the technology for their online profiles. The project also provides a reporting line: at esc_ABUZ children and teenagers can report illegal content found on Romanian websites and help build a safer internet.
Highlight any element of the actions that is transferable (max. 500 chars)	The online counselling and abuse reporting platform.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The online counselling tools, as well the internet safety resources are available on the online platform and they are constantly disseminated and promoted among the target groups.
Give reasons why you consider the practice as having concrete measurable impact	The Internet Hour programme generated relevant impact in the Romanian public sphere, being communicated both in the online space and in the mass media. According to official reports by the organisation, in terms of outreach, over 399,000 children and 100,000 parents and teachers were directly involved in educational activities, 7,000 children benefited from information and counselling and more than 6,400 notifications were made through the specialised reporting line.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The online counselling and online abuse reporting tool can be replicated in other Member States, either by the civil society sector or by governmental authorities, with relevant awareness and prevention outcomes.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Children, teenagers, teachers and parents are involved in a co-creation process of developing learning tools and prevention materials in relation to internet safety.
Explain, if applicable, how the practice provides for review and assessment.	Not available.

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)	VENUS Împreună pentru o viață în siguranță!
Title (EN)	VENUS Together for a safe life!
Organisation (original language)	Agenția Națională pentru Egalitatea de Șanse între Femei și Bărbați.
Organisation (EN)	National Agency for Equality Between Men and Women.
Government / Civil society	Government
Funding body	European Commission - European Social Fund
Reference (incl. url, where available)	http://anes.gov.ro/venus-impreuna-pentru-o-viata-in-siguranta/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	5 March 2019 – 5 March 2023
Type of initiative	It is a project implemented by the Romanian state.
Main target group	Victims of domestic violence
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The project aims to establish a nationwide network of 42 safe houses, together with 82 complementary services, such as legal counselling, psychological assistance, social assistance, professional counselling, as well as medical care. Each victim will have access to at least two of these services. Safe houses will be able to host up to 6 persons at a time, for up to 12 months, depending on the case. The project also intends to develop 42 local support groups for victims of domestic violence and 42 local professional counselling offices that will be able to support victims in gaining new skills and identifying suitable employment. The project is implemented by the National Agency for Equality Between Men and Women, which will identify 42 local partners from local administrations, who will assist in setting up these services and the safe houses.
Highlight any element of the actions that is transferable (max. 500 chars)	The concept of developing services that provide not only safe housing but also support services that can help victims break free from vulnerable situations can be replicated.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The project seems more sustainable because it is implemented by state agencies and relies on local state authorities. This means that the existing contributing partners are not exposed to the high volatility that civil society organisations are facing. In addition, as the services are widespread across the country and draw on local resources, this allows the project more durability than a centrally organised project.
Give reasons why you consider the practice as having concrete measurable impact	The safe houses have a very concrete, measurable impact, because they will be able to offer shelter to victims of domestic violence.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Domestic violence is a problem that is widespread across the EU, and countries should develop services for victims of domestic violence. Such services should be interdisciplinary and cover a wider array of needs in order for them to be effective in helping victims to escape abusive situations.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	There is no publicly available information on how this project 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.	There is no publicly available information on how this project provides for review and assessment.

Thematic area	**Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)** Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	”Persoane cu dizabilități – tranziția de la servicii rezidențiale la servicii în comunitate”
Title (EN)	Persons with disabilities – transition from residential to community-based services
Organisation (original language)	Autoritatea Națională pentru Persoanele cu Dizabilități (ANPD)
Organisation (EN)	National Authority for Persons with Disabilities
Government / Civil society	Government
Funding body	Government and the European Union Structural and Investment Funds (a total budget of RON 15,013,626.47 (approx. EUR 3,161,340), of which RON 12,609,023.52 (approx. EUR 2,541,337) is provided by the ESIF)
Reference (incl. url, where available)	http://anpd.gov.ro/web/despre-noi/programe-si-strategii/persoane-cu-dizabilitati-tranzitia-de-la-servicii-rezidentiale-la-servicii-in-comunitate/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	6 August 2019-6 July 2022
Type of initiative	Initiative of the independent central authority designated to carry out the obligations set out in the Convention on the Rights of Persons with Disabilities
Main target group	Adults with disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The general objective is to accelerate the deinstitutionalisation process for adult persons with disabilities, along with the design of public policy and working tools for development of alternatives for support for independent living and community integration, and prevention of re / institutionalisation. The specific objectives of the project are: 1. development of a public policy proposal for development of alternatives for independent living and community integration, and prevention of re / institutionalisation, based on evidence obtained from the ex ante evaluation;

	2. design of working tools in the field of social services for adults with disabilities; 3. coordination at interinstitutional level to avoid overlapping initiatives and avoid double funding. The expected results of the project are the following: 1. proposal of public policies for prevention of institutionalisation; 2. instruments for monitoring and controlling standards in the field of social services for adults with disabilities.
Highlight any element of the actions that is transferable (max. 500 chars)	Ensuring that strategies are in place to support the transition from institutions to family and community-based living is essential for securing respect for the right of people with disabilities to independent living. Implementation of such strategies can only be realised when all relevant support methodologies and instruments, such as those developed in this project, are in place.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Given that it is intended to create a framework for deinstitutionalisation, there are reasons to believe it will be implemented. The initiative is similar to what the same authority did in relation to children. The comprehensive plan for the transition from institutional to community-based care for children that was created through a similar process has been adopted;132 it was followed by the launch of a call for proposals targeted at 50 large-scale institutions.133
Give reasons why you consider the practice as having concrete measurable impact	The expected results of the project are: 1. a proposal for public policies for the prevention of institutionalisation; 2. instruments for monitoring and controlling standards in the field of social services for adults with disabilities.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Deinstitutionalisation is currently in progress, at different rates, across the EU. Many countries have problems implementing relevant strategies and sometimes even developing such strategies. Placing such a task with the central authority designated to carry out the obligations set out in the CRPD is a solution.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Sufficient information is not currently available. The ANPD could be contacted to request such information.
Explain, if applicable, how the practice provides for review and assessment.	Sufficient information is not available at this stage of the process. The ANPD could be contacted to request such information.

[132] Romania, Operational Programme Administrative Capacity 2014-2020 (POCA). Project: Elaboration of the DI plan for children in institutions and ensuring their transition to care in the community – SIPOCA 2 Code, awarded to the National Authority for the Protection of Children's Rights and Adoption. Start date: 31 March 2016, implementation period: 30 months, Total amount: RON 13,503,126.00, (of which RON 11,346,946.84 is the financial contribution from the European Union and RON 2,156,179.16 is the beneficiary's own contribution).

[133] Romania, Operational Programme Human Resources (2014-2020), Applicant's Guide. Specific conditions. Reducing the number of children and young people placed in institutions, by strengthening the network of maternal assistants (*Ghidul Solicitantului. Condiții specific. Reducerea numărului de copii și tineri plasați în instituții, prin consolidarea rețelei de asistenți maternali*), 12 September 2018.

Annex 2 – Case law

Thematic area	**EQUALITY AND NON-DISCRIMINATION** Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report
Decision date	16 April 2019
Reference details	Romania, Constitutional Court (Curtea Constituţională a României, CCR), Decision no. 223/2019, 16 April 2019, published in the Official Gazette no. 564, 9 July 2019
Key facts of the case (max. 500 chars)	The complainant, a mother of a child with disabilities, asked in the first instance court that the state pay her from the time of the child's birth an allowance similar to that for children with disabilities over 3 years old, who receive a higher allowance than children without disabilities. Art. 58(1) of Law no. 448/2006 on protection and promotion of the rights of persons with disabilities (Legea nr. 448/2006 privind protecţia şi promovarea drepturilor persoanelor cu handicap) provides that children with disabilities between 3 and 18 years old receive an amount 100 % higher than the allowance for children without disabilities. However, this increase is not stipulated for children with disabilities from birth up to 3 years old.
Main reasoning/argumentation (max. 500 chars)	The complainant argued that Art. 58(1) of Law no. 448/2006 discriminates against children with disabilities on the ground of age. The legislature treats children younger than 3 years old differently from older children, which disadvantages them with no objective and proportionate justification. Similarly to older children with disabilities, children younger than 3 years old have special needs that require more financial resources compared to children without disabilities. Therefore, there is no justification for different treatment.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Romanian legislation uses the term 'children with handicap' instead of 'children with disability'. The Constitutional Court found that the provision in Art. 58(1) of Law no. 448/2006 represents a positive measure taken by the state to protect children with disabilities, who are disadvantaged compared to children without disabilities. As opposed to formal equality, substantive equality implies that the state is free to use different means to ensure that the amount of financial support for all children with disabilities addresses their particular needs based on age group.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court found that Art. 58(1) of Law no. 448/2006 complies with the Constitution. The Court found that although the child allowance for children with disabilities younger than 3 years old is less than for older children with disabilities, this is not discrimination, but a positive measure to address the needs of children with disabilities. The Court stated that its decision does not take into consideration formal equality, where each allowance is weighted, but substantive equality, where the state contributes through various measures to ensure equality between children with disabilities of different ages, depending on their special situation based on age group.
Key quotation in original language and translated into English with reference details (max. 500 chars)	"Astfel, Curtea constată că, în cauză, nu este aplicabilă egalitatea formală, respectiv aplicarea art.58 alin.(1) pentru toţi copii cu handicap, ci, având în vedere evoluţia legislativă antereferită, Curtea urmează a se raporta la necesitatea aplicării exigenţelor egalităţii materiale, în considerarea cărora legiuitorul este în drept să reglementeze/folosească mijloace diferite pentru a atinge, prin prisma finalităţii acţiunii sale, o egalizare a situaţiei celor două

	categorii de copii cu handicap, în ceea ce priveşte cuantumul alocaţiilor lor, ţinând seama de situaţia specifică în care aceştia se află…" "In consequence, the Court finds that it should not apply formal equality, in this case the application of Art. 58(1), to all children with handicap, but substantive equality, taking into account legislative evolution, where the legislature is allowed to regulate/use different means to equalise the situation of the two categories of children with handicap, in regard to the amount of allowance they receive, depending on the specific situation they are in…"

Thematic area	**RACISM, XENOPHOBIA AND RELATED INTOLERANCE** Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	1 February 2019
Reference details	Romania, Bucharest Court of Appeal (Curtea de Apel Bucureşti), Decision no. 115/2019, 1 February 2019.
Key facts of the case (max. 500 chars)	In December 2018, the Bucharest Tribunal (Tribunalul Bucureşti) rejected the registration of a political party, because (among other reasons) provisions from its statute may constitute incitement to hatred, discrimination, violence and violation of the law. In particular, this concerned provisions promoting elimination of all aspects of communist ideology and constituting an apologia for the Legionari (a Romanian fascist group that committed antisemitic crimes in the interwar period). The political group challenged the Tribunal's decision, claiming that the statute should be read together with other programmatic documents of the party, where the means proposed for reaching the political objectives mentioned above are democratic and that the apologia for the Legionari is intended only in regard to their role as anti-communist fighters.
Main reasoning/argumentation (max. 500 chars)	The Court of Appeal confirmed the Tribunal's finding that political parties could influence public opinion through their programmatic documents. It further confirmed that formulation of a political objective consisting in elimination by all means necessary of aspects of communist ideology amounts to incitement to hatred based on political opinion. Moreover, it confirmed that acknowledgment of the Legionari movement in the statute of a political party constitutes promotion of Legionarist ideology, which is prohibited by the most recent amendments to Emergency Governmental Ordinance 31/2002.134
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Incitement to hatred cannot be carried out through the provisions of a political party's programmatic documents. An apology for the Legionari is a form of promoting Legionarist ideology, prohibited by anti-fascist legislation (Emergency Governmental Ordinance 31/2002). Limitations to freedom of association in a political party must be reviewed under a strict test, where there must be a real and imminent threat to democracy.

[134] Romania, Government Emergency Ordinance no. 31/2002 on the prohibition of organisations, symbols and facts of a fascist, legionarist, racist or xenophobic nature and of the promotion of persons guilty of committing crimes of genocide, crimes against humanity and war crimes (*Ordonanta urgenta 31/2002 privind interzicerea organizaţiilor, simbolurilor şi faptelor cu caracter fascist, legionar, rasist sau xenofob şi a promovării cultului persoanelor vinovate do săvârşirea unor infracţiuni de genocid contra umanităţii şi de crime de război*).

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court of Appeal conditioned the registration of the political party upon changing the wording in the party's statute so that it contained neither incitement to hatred, discrimination and violence, nor the promotion of Legionarism.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„În opinia tribunalului, aceste pasaje inserate în actele de constituire a viitorului partid trebuie reformulate astfel încât să nu constituie o posibilă incitare la ură de clasă, la discriminare sau la violenţă publică şi la nerespectarea legilor ţării. Partidele politice contribuie la formarea opiniei publice, aşa încât modul de redactare a programului politic trebuie să reflecte un echilibru în apărarea principiilor îmbrăţişate de membrii fondatori ai partidului, pluralismul în societatea românească fiind o condiţie şi o garanţie a democraţiei constituţionale. [...] respingerea unei cereri de înregistrare a unui partid [este acceptată conform CEDO] doar în cazul în care se constată existenţa unei ameninţări rezonabile iminente la adresa democraţiei … ." "In the opinion of the court, these paragraphs included in the statutes of the future party must be redrafted so that they do not constitute a potential incitement to hatred against a social group, to discrimination or to public violence and violations of the law. Political parties influence public opinion. Therefore, the drafting of the political programme must take into account maintaining a sense of balance when defending the principles of the founding members of the party, because pluralism in Romanian society is a condition and a guarantee of constitutional democracy. […] rejecting a request to register a political party [is accepted according to ECtHR case law] only when there is a real and imminent threat to democracy… ."

Thematic area	**ROMA INTEGRATION** Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	29 May 2017
Reference details	Romania, Iași Court of Appeal (Curtea de Apel Iași), Civil decision 90/2017, 29 May 2017 Școala Gimnazială Bogdan Petriceicu Hașdeu [Bogdan Petriceicu Hașdeu Secondary School] and Inspectoratul Școlar Județean - ISJ Iași [Iași County School Inspectorate] v. Consiliul Național pentru Combaterea Discriminării [National Council for Combating Discrimination, CNCD] and Centrul de Advocacy si Drepturile Omului [Centre for Advocacy and Human Rights, CADO]. Case history available at: http://portal.just.ro/45/SitePages/Dosar.aspx?id_dosar=4500000000024874&id_inst=45.
Key facts of the case (max. 500 chars)	The case started with a complaint, filed by the NGO CADO on its own behalf before the CNCD, alleging discrimination against Roma children, who are disproportionately placed in one or two classes (class B or C) of the school for primary education (grades 0-4). These classes are described as having reduced educational resources, teachers who are not qualified and a poorer educational experience overall compared to Romanian children who are enrolled in the other classes of the same school. Following the petition filed by CADO, the CNCD issued Decision 769 of 7 December 2016, fining the BP Hașdeu School and the Iași Inspectorate for discrimination.

	The CNCD based its decision on Art. 2(1) – direct discrimination, Art. 2(4) – harassment, Art. 11 – general prohibition of discrimination in education and Art. 15 – right to dignity of the Governmental Ordinance 137/2000, the Romanian Anti-discrimination Law. The school was required to pay a fine of RON 3,000, the ISJ Iași a fine of RON 5,000 and both defendants were asked to produce a desegregation plan. This decision was challenged before the Iași Court of Appeal (Curtea de Apel Iași) by both the school and the ISJ Iași, which were fined for discrimination.
Main reasoning/argumentation (max. 500 chars)	The issue discussed was hetero-identification by the school during the registration process. With the support of the Roma educational mediator, Roma children were enrolled in the B and C classes (at each level of education there are three classes, named A, B and C). Even before the CNCD, the school argued that it had no information on the ethnicity of the children; in the defence of the ISJ Iași, it was argued that there was no clear proof that the children in the school were Roma or declared themselves as Roma, while CADO argued that in C classes (the classrooms with the worst conditions) 50 % of the children were Roma. The Court of Appeal mentioned in its reasoning that self-identification is the only scientific and relevant criterion and desegregation cannot be achieved as long as there are no official data on the ethnicity of pupils. The superior interest of the child was used as justification for differential treatment leading to the segregation of children, with the argument that the alleged residential proximity and the custom of sending Roma children to this school serve the best interest of the child. The custom referred to is that, in the case of some families, the parents also studied in the C classes and some even asked for their children to be enrolled in the same school and in the same classes, to be together with their relatives. Although the plaintiffs, the CNCD and the defendants all mentioned the disproportionate presence of Roma children in the B classes, the actual percentage is only provided for the B classes (30% self-identified Roma children), but not for any of the other six classes in the school. During the field investigation the CNCD team assessed only three of the classes and interviewed parents of the children, without providing detailed information on their findings, which was criticised by the court. The defendants denied that any ethnic segregation occurred but both agreed during the CNCD proceedings and before the Iași Court of Appeal that, given the poverty of the community in the neighbourhood, segregation on grounds of socio-economic status might occur.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Use of ethnic data (statistical evidence) and assumed racial origin; justifications in case of segregation; the best interest of the child; parental choice of school; sanctions.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	In Decision 90/2017 the Court of Appeal annulled the CNCD decision. The court found that the school and Iași ISJ "provided reasonable and objective justification… the way in which they managed the situation of primary education in all classes of the school, the margin of appreciation which the state has in such situations being, in this specific case, reasonable and able to guarantee the right of children not to be discriminated against and to have access to education."
Key quotation in original language and translated into English with reference details (max. 500 chars)	"Pe fondul cauzei arată că pârâtul s-a subrogat apărării unui drept personal nepatrimonial care nu poate fi exercitat prin interpuși, decât prin titularii lor. Iar titularii lor au renunţat la acest drept dat de un Ordin de Ministru al Educaţiei privind repartizarea minorităţilor rome în clase, în favoarea unui alt interes pe motiv că au acelaşi program şcolar, locuiesc departe de unitatea şcolară sunt rude între ei şi pot să facă naveta la şcoală mai uşor. Centrul de Advocacy cu domiciliul în Bucureşti a exercitat drepturi personale nepatrimoniale fără a consulta nici reprezentanţii părinţilor, nici mediatorul, nici administraţia locală, iar Consiliul a dat o sancţiune netemeinică, motiv

	pentru care solicită admiterea acţiunii pentru toate aspectele invocate şi de probele administrate." "On the merits of the case, it shows that the defendant [of the appeal, which is the NGO CADO] has undertook defence of a non-patrimonial personal right that cannot be exercised through third parties, but only by its holders. And the right-holders have renounced this right provided through an Order of the Minister of Education regarding the distribution of Roma minorities in classes in favour of another interest, because they have the same school programme, they live far from the school unit, they are relatives and they can have an easier commute to school. The Advocacy Centre, with its domicile in Bucharest, has exercised non-patrimonial personal rights, consulting neither the parents' representatives, nor the mediator, nor the local administration, and the Council has given a non-exclusive sanction, which is why the party [the school] requests the admission of the action for all the aspects invoked and the evidence administered."

Thematic area	**ROMA INTEGRATION** Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	11 November 2019
Reference details	Court of Appeal Cluj (Curtea de Apel Cluj), Civil Judgment (Sentinţa civilă) of 11 November 2019 in file 2446/117/2017 Cluj-Napoca Municipality and Mayor of Cluj v. Desiree Foundation in the civil case regarding the discriminatory character of the criteria for providing social housing in Cluj. Case history available at: https://www.curteadeapelcluj.ro/Detalii_dosar.aspx?id=2446%2f117%2f2017*&idinstanta=33
Key facts of the case (max. 500 chars)	In 2017, the Desire Foundation (Fundația Desire) filed both a petition before the national equality body (CNCD) and a civil case regarding the discriminatory criteria for granting social housing, especially the removal of applicants belonging to marginalised social categories, as formulated and implemented by the City Hall of Cluj-Napoca. According to these criteria, people suffering from eye diseases or living in poor living conditions in unconventional dwellings or those who, due to economic conditions, have not had the chance to undertake university studies, were not rated to qualify for social housing. In Decision no. 531 / 27.09.2017, the CNCD found that the criteria for granting social housing were discriminatory and issued a fine of RON 3,000. Subsequently, the Cluj Court of Appeal (Curtea de Apel Cluj) decided in Civil Judgment (Sentinţa civilă) no. 86/2018 Cluj-Napoca Municipality and Mayor of Cluj v. CNCD to reject the challenge filed by the Cluj-Napoca City Hall (Primăria Municipiului Cluj-Napoca) and the Mayor of Cluj-Napoca and to uphold the fine. In this separate, but still related, case, in file 2446/117/2017, the Desiree Foundation (Fundația Desire) required the annulment of the decision of the Cluj Local Council modifying the annexes and including the eligibility criteria for social housing.
Main reasoning/argumentation (max. 500 chars)	Not currently available, as the full reasoning of the court is not yet available.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Indirect discrimination through restrictive criteria in access to social housing.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Cluj Court of Appeal (Curtea de Apel Cluj) rejected the appeal filed by the Cluj-Napoca City Hall (Primăria Municipiului Cluj-Napoca) and the Cluj-Napoca Local Council (Consiliul Local al Municipiului Cluj-Napoca) and annulled in part the Local Council decision 434/16.12.2015 in relation to the provisions establishing the calculation of the general income and allowing income from social assistance to be eligible and in relation with the selection criteria regarding studies (education). The request of the Desiree Foundation (Fundația Desire) to oblige the Local Council to provide social housing for the plaintiffs represented by the NGO was denied.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Not currently available, as the full reasoning of the court is not yet available.

Thematic area	**INFORMATION SOCIETY, DATA PROTECTION** Please provide the most relevant high court decision in relation to one of the topics addressed in this Chapter
Decision date	14 February 2019
Reference details	Romania, Supreme Court (Înalta Curte de Casaţie și Justiție), Decision no. 301, 14 February 2019, available in Romanian at: https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=152014
Key facts of the case (max. 500 chars)	The case concerns claims for moral damages filed by a man who argued that, during court proceedings on custody of his child, a Romanian social protection authority disclosed to the Court, without his consent, his medical records and that he had mental health issues. The claimant argued that the social protection authority infringed his right to private life and disclosed private information in judicial proceedings held in public, which allowed his child and others to find out about his mental health issues.
Main reasoning/argumentation (max. 500 chars)	The Court rejected his claim, finding that in this specific case the rights of the child and the superior interest of the child prevailed over the applicant's privacy rights. The Court showed that the mental health of caregivers is an aspect to be considered when establishing visitation rights and custody of a child, hence the Court is entitled to seek and obtain such information and consider it when deciding on custody and visitation rights.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court analyses which rights take priority, balancing the superior interest of the child and the right to privacy, when these two aspects are in conflict.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court rejected the claims of the claimant, in which he challenged lower court decisions which denied him civil damages for disclosure of his medical records during judicial proceedings.

Key quotation in original language and translated into English with reference details (max. 500 chars)	”[...] instanţa învestită cu soluţionarea unui litigiu vizând exercitarea autorităţii părinteşti [...] este obligată să administreze, în interesul copilului, mijloacele de probă necesare în scopul stabilirii corecte a situaţiei de fapt, inclusiv sub aspectul stării de sănătate psihică a părinţilor, aceştia neputând opune dreptul lor de a nu-şi da consimţământul la prelucrarea datelor personale cu caracter medical.” “[...] the court vested with settlement of a dispute regarding the exercise of parental authority [...] is obliged to administer, in the best interest of the child, the necessary means for correct determination of the facts of the situation, including evidence relating to the mental health of the parents, who cannot oppose use of such evidence by claiming their right to consent to any disclosure of their personal medical information.”

Thematic area	**RIGHTS OF THE CHILD** Please provide the most relevant high court decision in relation to one of the topics addressed in this Chapter.
	No case law has been identified for this thematic area.

Thematic area	**ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS** Please provide the most relevant high court decisions in relation to one of the topics addressed in this Chapter.
	No case law has been identified for this thematic area.

Thematic area	**Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)** Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	23 April 2019, published in the Official Gazette no. 647 on 5 August 2019.
Reference details	Romania, Constitutional Court (Curtea Constituțională a României), Decision no. 258, 23 April 2019, on the exception of unconstitutionality of the provisions of Art. 54 paragraph (2) of Law no. 448/2006 regarding the protection and promotion of the rights of persons with disabilities.
Key facts of the case (max. 500 chars)	The case was introduced by the Constanța General Directorate of Social Assistance and Child Protection (Direcția Generală de Asistență Socială și Protecția Copilului Constanța), which asked the Constitutional Court to assess the constitutionality of Art. 54 paragraph (2) of Law no. 448/2006, according to which certain social services for people with disabilities are financed from county authority budgets. The applicant argued that such limitation is unconstitutional because it is imposed arbitrarily, without assessment of the resources available at regional level, and infringes the CRPD provisions which impose the obligation on States Parties to use all available resources to ensure the protection of persons with disabilities.
Main reasoning/argumentation (max. 500 chars)	According to the Constitutional Court, funding of protection measures for persons with disabilities from several public administration sources cannot be found to be contrary to the obligations assumed by the state when ratifying the CRPD. The manner in which the state chooses to provide the resources necessary for implementation of the national policy of equal opportunities, prevention and treatment of disability falls within

	the margin of appreciation of the legislature, and is not a violation of the Constitution.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Establishing that certain social services will be supported from local budgets alone does not constitute a violation of the Constitution or of the CRPD.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	A similar decision was adopted by the Constitutional Court in 2018. Many local authorities, as well as people with disabilities and their representatives, complained that not awarding funding from the central state budget for social services, leaving all responsibility to local and county authorities, led, in practice, to the disappearance of such services. The Constitutional Court failed to provide a remedy for this situation.
Key quotation in original language and translated into English with reference details (max. 500 chars)	"modul în care statul asigură resursele necesare realizării politicii naționale de egalitate a șanselor, de prevenire și de tratament ale handicapului, (...) constituie un aspect de oportunitate a reglementării legale, ce ține de marja de apreciere a legiuitorului." (paragraph 14) "The manner in which the state choses to provide the resources necessary for implementation of the national policy of equal opportunities, prevention and treatment of disability, (…) constitutes a matter of opportunity during the legislation process, and falls within the margin of appreciation of the legislature."