

# Implementation of 3<sup>rd</sup> cycle of UPR's accepted recommendations

## Midterm voluntary report submitted by Romania

### *1. Acceptance of international norms*

In January 2022, the Parliament adopted the draft law on acceptance of the amendments adopted in Kampala on 10 June 2010, in New York on 14 December 2017 and in The Hague on 6 December 2019 on Article 8 of the Statute of the International Criminal Court, adopted in Rome on July 17, 1998. The President issued the decree promulgating the Law no. 3/2022.

### *2. Constitutional and legislative framework, institutions and policies*

2.1. In September 2020, the Ministry of Justice (MoJ) presented the drafts for amending the justice laws for a 6-month public consultation. The new projects marked an important revision of the three justice laws and took full account of the Mechanism for Cooperation and Verification (MCV or CVM)'s reports, the Group of States against Corruption's reports and the opinions of the Venice Commission, as well as the more general need to rethink, re-discuss and amend the laws of justice. The drafts aimed at remedying the negative effects of previous changes and proposing solutions to many problematic issues identified in the MCV reports, in particular: the abolition of the Section for Investigating Criminal Offences within the Judiciary (SIJ) and the increase of professional independence of prosecutors, the elimination of the early retirement regime for magistrates, the amendment of the provisions on civil liability of judges and modification of procedures for revocation and appointment of prosecutors with senior management positions.

The Conclusions of the last Report of the Commission to the European Parliament and the Council on the progress made by Romania in the framework of the MCV confirmed that, since the last MCV report in 2019, the situation regarding the parameters of the MCV benchmarks has registered a clear positive trend. *“The Commission welcomes the fact that, in 2021, a renewed impetus was given to reform and remedying the setbacks of 2017-2019. As a result, progress has been made on all remaining CVM recommendations, many of which will be made if progress remains constant (...) The Commission is convinced that Romania can meet the benchmarks of the CVM if it continues to follow the current positive trend and if it resolutely adopts and implements the reforms undertaken”.*

Following the inclusion, among amendments, of comments and suggestion received through public consultation and of most recent Court of Justice of the European Union's case-law, MoJ will request the endorsement of other ministries and subsequently, of the Superior Council of Magistracy (SCM) in order for the drafts to be approved by the Government and forwarded for debate before the Parliament before the end of first quarter of 2022. The same observation is applicable for the draft laws amending the Criminal Code and the Code of Criminal Procedure.

Moreover, in March 2022, the Parliament adopted the draft law on dismantling SIJ. The explanatory statement included the recommendations and opinions expressed within the MCV mechanism and by the Venice Commission. The President enacted the law.

2.2. A draft law introduced in 2021 and adopted by the Parliament in March 2022 criminalizes “Inciting the public, by any means, to violence, hatred or discrimination against a category of persons or against a person on the grounds of belonging to a certain category of persons defined on criteria of race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, chronic non-communicable disease or HIV/AIDS infection, considered by the perpetrator as causes of one person's inferiority toward others is punishable by imprisonment from 6

months to 3 years or with a fine”. The adopted draft was submitted for a prior constitutionality assessment before the Constitutional Court, upon request from MPs and the Ombudsman.

It is to be noted that already in 2017, the code of conduct of the members of the Romanian Government regulates their obligation to ensure through attitude, language, conduct and dress, the smooth running of the activities carried out within the Government, as well as the solemnity specific to public dignity. They must also not use insulting, indecent or slanderous expressions or words.

Also, in October 2017, the Code of Conduct of senators and deputies was adopted, according to which deputies and senators must ensure through attitude, language and conduct the solemnity of parliamentary sittings and the smooth running of activities within parliamentary structures. Parliamentarians must also have decent attire and not use insulting, indecent or slanderous expressions or words.

2.3. Romania has adopted Law no. 176/2018 regarding the internship. It enables individuals who have reached the age of 16 (or 15 with their parents’ or legal representatives’ approval) to perform activities as part of an internship program by concluding an internship agreement with a company or any other legal entity, under the direct coordination of a mentor. The duration and scope of an internship may not exceed 720 hours within six consecutive months. The new law expressly prohibits interns to perform overtime activity. The intern has the right to an internship remuneration of at least 50% of the legal minimum gross salary, granted proportionally based on the number of hours worked. The law also includes a financial incentive for companies that hire young people after the end of an internship.

2.4. The new legal framework adopted in 2019-2020 on additional measures to contribute to the social integration of foreigners who have obtained a form of protection or have a right to stay in Romania, and also of EU/EEA/CH citizens provides for the possibility of all beneficiaries of international protection and underage asylum seekers to participate to language competences’ evaluation even if they have not attended the Romanian language preparatory course organized by the Romanian Government. Moreover, in 2020, the school syllabi for the Romanian language introductory courses for foreign adults and children, respectively, having obtained a form of international protection in Romania and third country nationals was approved by order of the minister of education.

2.5. In 2018, Law no. 187 on certain measures to prevent and combat anti-Semitism was adopted by Parliament; the legislative forum appreciated that a distinct normative act was necessary in order to strengthen the action for the prevention and combating anti-Semitism, especially in the online environment. The adoption of a distinct law should not be regarded as isolating the fight against anti-Semitism from the fight against intolerance, discrimination, racism and xenophobia. The provisions of the law follow the lines of Government’s Emergency Ordinance (GEO) no. 31/2002, as subsequently modified, with a focus on combating anti-Semitism. Thus, the law incriminates the promotion of anti-Semitic ideas, the distribution and dissemination of anti-Semitic materials, as well as the initiation and the creation of an organization with an anti-Semitic character. The legislation was based on the International Holocaust Remembrance Alliance (IHRA)’s Working Definition of Antisemitism, adopted by the 31 member States of the International Holocaust Remembrance Alliance, in Bucharest, in May 2016. Romania has been a Member Country of the IHRA since 2004 and held the chairmanship of the organization in 2016.

Moreover, in 2021, a similar Law on measures to prevent and combat anti-Gypsism was adopted.

2.6. In 2018, the Ombudsman for Children was established within the Ombudsman’s Office, as a department dealing with the defence, protection and promotion of children’s rights, coordinated by a deputy Ombudsperson. In fulfilling its specific mandate, the Ombudsman for Children has the following duties: a) resolves the individual complaints made by children or their representatives in connection with the actions of public institutions in the fields of health, education, special protection of children, application of custodial and non-custodial measures provided by the Criminal Code, as well as the actions

of any institution whose activity is related to the field of protection and promotion of children's rights; b) resolves any complaint in connection with the violation of one or more rights of the child; c) promotes the rights of the child among children and adults; d) collaborates with the formal structures of children and, insofar as it is deemed necessary, notifies the competent authorities; e) formulates proposals for measures aimed at encouraging children's participation in decision-making concerning them; f) prepares studies on the exercise and observance of the rights of the child and recommends, if necessary, measures for the observance of the rights of the child at the level of public policies and at the legislative level, including through the preparation of special reports; g) makes unannounced visits, *ex officio* or upon request, together with the representatives of the National Preventive Mechanism against Torture in places of detention, to educational or detention centres where minors execute the custodial measures, to residences of persons in charge with the supervision and guidance of the minors in the execution of the non-custodial, to placement centres, family-type housing, maternal assistance and family placement in which the minor is placed as a special protection measure, to the extended family, as well as to children's hospitals; h) immediately notifies, *ex officio* or upon request, the criminal investigation bodies when it identifies elements indicative for the commission of certain criminal offences against children.

The Ombudsman for children is assisted by a team of 15 people, 6 at headquarters and 9 in the territorial offices.

2.7. Following the amendment of the Criminal Code in July 2021, limitation for criminal liability is no longer applicable for a series of offences, including trafficking of persons and trafficking of minors. For other offenses of trafficking and exploitation of vulnerable persons and offenses against sexual freedom and integrity, as well as child pornography, committed against a minor, the limitation period shall start from the date on which she/he became an adult.

Moreover, not informing the authorities about human trafficking situations is now incriminated as an offence *per se*.

2.8. Legislative amendments brought in 2018 to the Law no. 217/2003 for the prevention and combating of domestic violence introduced the provisional protection order, an instrument contributing to the harmonization of domestic law with the provisions of the Istanbul Convention, an immediate administrative protection measure, which allows the police to rapidly take action in order to protect the victims.

This protection measure applies in situations of imminent danger to the health and safety of victims of domestic violence, being a different measure from the (classical) protection order that is known at national level since 2012. The violation of the obligations established in the provisional protection order or the protection order constitutes an offense and is punishable by imprisonment from 6 months to 5 years.

2.9. In 2019, new provisions were introduced in the Law of national education defining and prohibiting bullying in educational units and in all facilities intended for education and vocational training. At the same time, the Law provides for the introduction of information sessions and training courses on issues related to bullying in the teacher training programs so that teachers acquire the necessary skills to identify bullying related problems and develop the ability to implement proper educational strategies. In 2020, the Methodological norms for the application of the above mentioned provisions were adopted.

2.10. In 23 September 2021, the Government decided to create the Department for Community's Social Responsibility and Vulnerable Groups, within its working apparatus, a structure without legal personality subordinated to the Prime Minister. The Department is operational and was entrusted mainly: to coordinate, monitor and evaluate the implementation of the National Child Support Program *Caring for Children*; to collaborate with the representatives of the private environment in order to develop an efficient and sustainable framework of community's social responsibility; to facilitate interinstitutional cooperation for the implementation of programmatic documents in the field of protection and promotion

of the rights of vulnerable groups, such as the rights of the child, the rights of victims of domestic violence, trafficking in human beings and other vulnerable groups, by central and local public authorities further programmatic documents; to monitor the implementation of programmatic documents based on established indicators.

2.11. The Romanian Ministry of Labour and Social Solidarity (MoLSS) drafted a National Strategy on Social Inclusion and Poverty Reduction up to 2027 in order to reducing social inequalities, as well as preventing the risk of poverty and social exclusion, in the context of ensuring equal opportunities. The Strategy is in the process of inter-ministerial approval, a preliminary stage for Government adoption. The strategic objectives aim at a decent living for all, by combating the transitory situations of monetary poverty, with emphasis on ensuring adequate amounts of income (salaries, pensions and social benefits) regarding the basic needs of the population; access to services of general public interest, including quality social services; ensuring social and economic participation of vulnerable groups, social responsibility, development of public-public and public-private partnerships; social investments to promote cohesion through education and employment; lifelong social protection through access to housing, medical services and integrated social services; d. improving the administrative capacity to implement policies.

Several provisioned measures include increasing access to basic infrastructure and services, especially in marginalized rural and urban areas by:

- a) the development of infrastructure projects that provide integrated services for social inclusion: educational infrastructure (kindergartens, secondary education institutions and vocational schools), social infrastructure (nurseries and after-school, services for the elderly, children, people with disabilities etc.);
- b) the development of projects that ensure the improvement of the rural population's access to running water and sewerage, communal roads, as well as the protection of the cultural heritage and the environment.

2.12. On 27 January 2021, the Romanian Government's Prime Minister appointed the Special Representative of the Romanian Government for Promoting the Policies of Memory, for Fighting against Antisemitism and Xenophobia. The official will assist, advise and represent the Prime Minister, providing expertise in developing, coordinating and developing memory policies, preventing and combating anti-Semitism, xenophobia, extremism and other forms of intolerance, hate speech and symbolic violence. The Special Representative will support and collaborate closely with ministries, government agencies and bodies responsible or involved in the operationalization of the two major national projects - the National Museum of Jewish and Holocaust History and the Museum of the Horrors of Communism in Romania. The official will also will contribute to facilitating the dialogue and the development of projects or programs in relevant fields with similar bodies in the EU, USA and other countries.

2.13. To further address the mental health, psychological and physical wellbeing and safety of children in the context on the COVID-19 pandemic and beyond, in 2021 the Romanian Government initiated the most extensive programme dedicated to such issues – *Caring for Children*.

The Programme's priorities consist in fostering the psycho-emotional wellbeing of children by means of evaluation and intervention mechanisms which would ensure children's mental health during the COVID-19 pandemic and beyond, alongside multidisciplinary prevention and intervention mechanism for physical, sexual and emotional violence against children within the family, the community, at institutional level, as well as online. The duration of the Program is 2 years and has a budget of over 6 million euros.

Within this programme, children identified with COVID-19 related psycho-emotional distress will receive psychological guidance and psychotherapy, while specialists in the field (at least 7,000) will be provided with training sessions on relevant topics, such as identification and intervention methods in case of psycho-emotional disruptive situations. 70,000 hours of psychological counselling and psychotherapy for children will be provided through the Programme.

Further measures are also planned at curricular level, both in regard to the school curriculum (the introduction of topics on emotional education and management, online safety etc.) as well as to teacher training curriculum (the introduction of a module on psycho-emotional competences development for teachers in master study programmes dedicated to teachers). Other measures include the setting up of a national phone helpline for all child emergencies, which has already been put in place (119 national toll free number), the development of a resource platform (<https://dingrijapentru copii.gov.ro/>), dedicated to children, parents and specialists providing guidelines, procedures, professional resources, etc.

To boost child protection against criminal offences, such as the child pornography, exploitation and online child abuse, an integrated image and video intuitive analysis and sorting informatics system will be developed targeting child abuse content. The Programme also provides for the establishment of hearing rooms for child victims of crime in each county, and the implementation a real-time alert mechanism for missing children – Amber Alert.

### ***3. National Human Rights Institutions (NHRIs)***

The Ombudsman began, in the autumn of 2018, steps for accreditation as a NHRI. In this process, several meetings have been held with officials from the Office of the High Commissioner for Human Rights (OHCHR) and the Global Alliance of National Human Rights Institutions (GANHRI), which organizes the accreditation procedure. The Romanian Institute for Human Rights (RIHR) has also initiated, in 2019, the demarche for accreditation according to the Paris Principles.

### ***4. Good governance***

4.1. Progress on the National Anti-Corruption Strategy is a key national priority on the political agenda of the Government. As the 2016-2020 National Anticorruption Strategy came to an end in 2020, an internal evaluation and an external audit by the OECD were performed, to inform the preparation of the new National Anti-Corruption Strategy (2021-2025). Public consultations with the five anti-corruption platforms regrouping stakeholders were organised. The new National Anti-corruption Strategy was adopted by the end of 2021.

The progress included improved procedures to deal with sensitive issues, a significant decrease of integrity incidents, increased transparency and an improved service to citizens, including through digitalization. Key features of this strategy are considered best practice among participating institutions and will be carried forward into the next strategy, notably the peer-review monitoring mechanism and the participatory decision-making process through five anticorruption platforms (regrouping stakeholders).

According to the 2021 CVM Report, “both the National Anti-Corruption Directorate (DNA) and the High Court of Cassation and Justice had continued to investigate and sanction high-level corruption and demonstrated professionalism in very difficult circumstances, managing to maintain a strong track record. The situation has improved since the 2019 report. The appointment of a new DNA Chief Prosecutor and other management positions in 2020 has brought new impetus and institutional stability. This has translated into an increased focus on ensuring the quality of the investigations and the files brought to court. In 2020, DNA managed to achieve better results than in 2019, with an increase in the number of indictments and a reduction in the backlog. There was also progress at the level of the courts, with an increase in court decisions.”

By the Decision of the Government no. 650/2021 on supplementing the maximum number of positions for the National Anticorruption Directorate, the organizational chart of the DNA was supplemented with: 90 posts of judicial police officers and agents (30 posts per year starting with 2021) and 50 positions of specialized auxiliary staff.

4.2. The Prosecutor's Office attached to the High Court of Cassation and Justice (PHCCJ) runs multiple projects dedicated to the fight against crime and corruption, to improving the institutional performance and quality within the judicial system as well as the public communication in the judiciary. The overall objective of these projects is to strengthen the capacity of the Public Ministry/PHCCJ to fight crime (including corruption and organized crime in all areas), optimize institutional and technical performance and management competences.

To this end, more than 40 training seminars will be organized for prosecutors, judicial police officers and specialists, including the fight against organized crime and trafficking in migrants, the fight against fraud in public procurement, the fight against petty corruption and environmental crime, the fight against tax evasion and economic and financial crime. Also, prosecutors and judicial police officers will benefit from professional training in the field of hearing techniques, computer searches and teamwork. Standards and guides will be drafted and together with technical equipment will consolidate a basis for the development in good conditions, under all aspects, of the judicial system and the criminal investigation process.

4.3. Romania continued its efforts to further improve efficiency, accountability and transparency in the public service of the country. As such, the adoption of a new Administrative Code provided the framework for the civil service's reform. The Code regulates the accession to civil service, the competences' framework for the public administration, straightening ethics and the role of the ethics counsellor, the civil servants' performance review, the digital record of employment rate in the public branch. This will be further reinforced by a multiannual Strategy of the Civil Service, currently in the drafting stage.

The necessary regulation for increasing digitalization and online payment for taxes and fees related to issuing of driving licenses and registration certificates, vehicle registration, appointments for identity documents' issuance etc. were adopted. In 2021, further efforts to streamline the interaction with public administration were made, and the public institutions, central and local administrative bodies can no longer request their petitioners or applicants, when providing a public service, copies of documents or permits previously issued by other public institutions or administrative bodies.

Moreover, in 2018 all Prefects participated in the project "Transparent, open and participatory governance, standardization, harmonization, improved dialogue" aiming at implementing a System Procedure of *ex officio* communication of public interest information in a standardized and open format and ensuring decision-making transparency.

## **5. Human rights**

### **5.1. Human rights education and awareness-raising**

Starting with 2018, the Romanian Institute for Human Rights concluded a Protocol with the Ministry of Education and partnerships with schools, County School Inspectorates, Teaching-Staff Resource Centres, to provide training sessions for teachers and trainers on respect for human rights and freedoms of the child, so that they integrate in their activity both concepts and certain patterns of behaviour and attitudes, which in turn have an impact on the relationship with children/ students, on teaching methods, as well as on the education of children for knowledge and application of human rights. Children's rights in the digital environment, preventing and combating bullying, harmful games and violence within school premises, challenges encountered in the physical or online learning environment were the main topics addressed through these training sessions that were attended by teachers and students all over the country.

Domestic institutions partnered with NGOs to extend consultation and knowledge transfer on respect for human rights for the most vulnerable; as such, several Prefects organized mixed working groups, bringing together civil servants Roma NGOs' representatives, to focus on implementing community integrated intervention teams, on the social assistance for larger Roma families that have no subsistence means, on

reducing unemployment, on preventing school dropout, on creating special facilities for the Roma citizens who want to follow post-graduate studies, on supporting the organization of cultural events, on organizing campaigns on anti-discrimination for Roma people and LGBTI group.

The Romanian Police implements, between 2020 and 2024, a project aimed at “***Combating hate crimes and violent extremism, particularly against Roma population and increasing the quality of police service***”, by awareness-raising campaigns at the national level to reduce victimization and hate speech within Roma communities.

The Department for Interethnic Relations (DIR) developed an online awareness-raising and public information campaign “United against hate”, on the attitudes that generate hate speech or crimes motivated by ethnic and racial hatred. The National Agency for Roma has integrated in its public communication campaign constant messages targeting the general public, mass-media, online media etc. aimed at creating awareness on the issues like stereotypes and prejudices, discrimination of Roma in Romania.

The National Council for Combating Discrimination (NCCD) implemented with the ACCEPT Association the project “Partnership for equality of LGBTI persons in the EU”, developing a checklist on the duties that the Romanian State must abide by in order to ensure protection against LGBTI discrimination occurring in employment<sup>1</sup>. It also continued the *NoIntoHate2018* project in partnership with the Institute for Public Policies, organizing training sessions for police officers, gendarmes and magistrates.

Moreover, in 2020, the Ministry of Foreign Affairs signed a Memorandum of Cooperation with the European Institute in Romania, an institution with extensive expertise in legal international and European translation, to begin the translation into Romania of the most relevant documents from the monitoring process at UN level; as such, concluding observations, general comments, thematic reports, UPR recommendations will be gradually translated into Romanian and made available online, on the Institute’s website. Moreover, they will be forwarded to the national authorities for implementation.

## ***5.2. Data collection on hate crimes***

The Romanian Government National Strategy for prevention and combating anti-Semitism, xenophobia and hate speech for the period 2021-2023 provides that the Romanian Police will coordinate a working group, - attended by specialists from the authorities involved in all phases of the criminal process (MoJ, the PHCCJ, the SCM and General Inspectorate of the Romanian Police), under the methodological guidance of the National Institute of Statistics – with the aim to establish the unitary principles of data collection, as well as to harmonize at the level of all authorities a set of statistical indicators on the line of these crimes.

At the level of the PHCCJ, the Order of the General Prosecutor no. 184/20.10.2020 approved the methodology for investigating hate crimes; this order applies to police officers who carry out criminal investigation activity under the supervision and coordination of prosecutors and it also represents an important tool in standardizing the practices of investigating this type of crimes. One of the central elements of the methodology is the enumeration of indicators that can be used in this regard in practice to detect the reason based on prejudice. The methodology recommends that, in the file is closed, the case be referred to the NCCD whenever there are indications of another form of liability. The methodology was also communicated to the National Institute of Magistracy to be considered for initial and continuous professional training.

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<sup>1</sup> <https://www.cncd.ro/wp-content/uploads/2021/01/activity-report-cncd-2019.pdf>

The PHCCJ collects statistical data in a disaggregated manner in relation to the criteria of discrimination contained in Article 77 (h) of the Criminal Code (*committing a crime for reasons related to race, nationality, ethnicity, language, religion, gender, sexual orientation, social origin, age, disability, etc.*) since 2018; statistics allow monitoring the types of crimes, the dynamics of their resolution and the reasons for discrimination.

In August 2020, a first evaluation of these data was carried out, from which a certain quantitative trend could be detected, but not enough to formulate conclusions that would allow the elaboration of policies or strategies.

The Romanian Police (Criminal Investigations Directorate) project entitled “***Combating hate crimes and violent extremism, particularly against Roma population and increasing the quality of police service***”. The main outcome of the project is to establish within the Crime Investigations Directorate a Bureau for Investigation of Hate Crimes, with national competency. This bureau will have a designated line of work within each criminal investigation service from all the county police inspectorates. An additional outcome is to considerably improve the Romanian Police methodology on collecting data on hate crimes.

The ECRIS application will be modified accordingly, and new attributes will be introduced, respectively for each of the circumstances provided by art. 77 lit. h) of the Criminal Code: committing the crime for reasons related to race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, chronic non-communicable disease.

### ***5.3. Equality and non-discrimination***

5.3.1. As a member of the European Union, Romania actively welcomed and takes into account the various strategic documents for stepping up action for a Union of Equality (Gender equality, Roma equality and LBGTI+ equality Strategies, Anti-racism Action Plans etc.). In order to ensure best use of resources, Romania will draw on these documents and will only develop national strategies or action plans for those themes that need specific or domestic responses or not covered by the EU programmatic documents. As such, Romania adopted in 2021 the National Strategy for prevention and combating anti-Semitism, xenophobia and hate speech, while the National Strategy for the inclusion of citizens belonging to Roma minority is currently in the approval procedure.

5.3.2. The PHCCJ carried out two thematic monitoring activities on the working procedures in cases concerning the crime of incitement to hatred or discrimination under Article 369 of the Criminal Code and the crimes under GEO no. 31/2002 on the prohibition of fascist, legionary, racist or xenophobic organizations, symbols and acts and the promotion of the cult of persons guilty of committing crimes of genocide against humanity and war crimes. The materials resulting from the thematic controls were disseminated in order to raise awareness of the phenomenon of hate crimes and hate speech and to address the shortcomings found.

The PHCCJ partnered with ACCEPT Association, in 2021, in order to jointly implement the “Partnership for equality for LBGTI persons: implementing ECHR case-law on sexual orientation and gender identity”. The deliverables of the project include: an online reporting system on violations suffered by LBGTI persons, a handbook on investigating hate crimes and the professions training on LBGTI persons’ rights and investigating hate crimes for 280 magistrates, 160 policemen and 40 civil servants. 800 LBGTI persons will be supported for an effective access to justice and 500.000 persons will benefit from a public campaign on LBGTI persons’ situation in Romania.

At its meeting of 13 May 2021, the Plenary of the SCM approved the proposals contained in the Report of the Joint Thematic Control of the Judicial Inspection on the investigation and resolution of cases concerning the crime provided for in Article 369 of the Criminal Code and the crimes covered by GEO no. 31/2002, and adopted several measures aimed at organizing the prosecution activity (by including the prosecution of offences analysed in the report in the professional objectives/targets on prosecutor’s



offices) and at strengthening the continuous professional training (by introducing topics that address hate speech from the perspective of freedom of expression and the use of the internet as a means of disseminating potentially discriminatory, xenophobic materials and messages and fascist symbols and doctrines, by including, in the debates during professional training sessions held at each instance and prosecutor's office level, the issues raised in the report with regard to compliance with the criminal procedure provisions and the provisions of the decisions of the Court of Cassation).

5.3.3. DIR developed thematic activities to prevent and combat the phenomenon of hate speech against minorities, including in the context of SARS CoV-2: series of thematic discussions<sup>2</sup>, questionnaires<sup>3</sup> and impact assessment<sup>4</sup> followed by proposals and recommendations on understanding and addressing the phenomenon of hate speech toward minorities and its social implications in the context of SARS CoV-2.

5.3.4. The efforts in the area of combating discrimination in education have focused on strengthening the legal framework regarding the combat of segregation in education (the list of segregation criteria was extended) and the promotion of the *inclusive school's* principles, which promote among other the integration of all children, without discrimination. The following further steps have been taken in this direction:

-The setting up of the National Committee for Desegregation and Educational Inclusion (NCDEI)

-The adoption of the Methodology for monitoring school segregation in the pre-university education. The implementation of the Methodology in the pre-university educational establishments started from the second semester of the school year 2019-2020

- In the context of the implementation, in 2020, specific trainings were provided to key stakeholders in all counties (from school inspectorates and county representative schools)

The implementation of the Methodology started in the 2021-2022 school year and based on the results to be obtained, NCDEI will analyse and make proposals to improve the set of school segregation monitoring indicators which will be annually monitored, with the implication of school inspectorates and schools.

5.3.5. During the reference period, the NCCD applied sanctions for hate speech (online racist messages against the Roma minority in Romania, newspaper's racist content against Roma people) against a former MP, a professor specialized in the analysis of totalitarian regimes and a local journal.

5.3.6. The Institutions of the Prefect participated in the seminar "On discrimination and intersectional discrimination" – history of Roma, LGBTI community, the right to non-discrimination (organized by the Centre for Legal Resources); the Romanian Police carried out a training program in cooperation with ACCEPT Association, including a session on "*Police actions on hate crimes against LGBTI people: Training for a professional police response*".

The Centre for the Promotion of Human Rights and Postgraduate Studies, within the National College of Home Affairs, is organizing, together with the Institute for Public Order Studies, the training courses "*Human rights - hate crimes*", targeting Ministry of Internal Affairs (MoIA)' staff (inspectors and police officers) that, by the nature of their duties, come into contact with persons belonging to vulnerable groups. Also, starting with the academic year 2018-2019, the curriculum of the postgraduate course "*Human rights in public and safety institutions*" includes the topic "*Prevention and combating hate crimes by means of criminal law*".

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<sup>2</sup> "Understanding of the phenomenon of hate speech against minorities and its social implications in the context of SARS CoV-2"-series of thematic discussions, multi-disciplinary approach: governmental, non-governmental, sociological, academic and journalist; (19 October- 30 October, 2020)

<sup>3</sup> Questionnaire on monitoring attitudes to exclusion, intolerance and extremism toward national minorities in the context of SARS CoV-2 addressed to governmental and non-governmental field;

<sup>4</sup> Impact assessment on the monitoring attitudes of exclusion, intolerance and extremism toward national minorities in the context of SARS CoV-2

In order to support the continuous individual training of public civil servants and magistrates, guidelines and booklets have been distributed within the judicial system and to local public authorities: the Handbook of Human Rights for Local and Regional Authorities - Combating Discrimination (developed by the Council of Europe), TALJ - Transparency, accessibility and legal education by improving public communication at the level of the judicial system” (edited by the Superior Council of Magistracy, 3500 copies), “Study on Victimization in Romania” (based on a national thematic survey by the General Inspectorate of Romanian Police).

Moreover, a booklet on “Improving access to justice - An integrated approach with a focus on the Roma population and other vulnerable groups” was disseminated to persons belonging to vulnerable groups in several counties.

#### ***5.4. Prohibition of torture and cruel, inhuman or degrading treatment***

Taking into account the need to improve the activity in the field of preventing and combating acts of ill-treatment committed by State law enforcement agencies (police, gendarmes, staff of the National Administration of Penitentiaries) and to establish the same monitoring for cases in which police officers, prison workers or gendarmes use weapons, and the crime receives a legal classification from the sections regarding crimes against life or crimes against bodily integrity or health, as well as the need to coordinate the forensic activity in the field, the PHCCJ’s Prosecutor General issued the Order no. 59 of April 9, 2021.

Thus, the prosecutor's offices attached to the courts of appeal managers shall appoint a prosecutor in order to monitor the manner in which the investigations are carried out in these cases, both at the level of their own units and at the level of the prosecutor's offices attached to the judicial instances within their jurisdiction. Monitoring of the qualitative aspects of the criminal prosecution shall follow the European Court of Human Rights (ECtHR) requirements for conducting an effective investigation.

#### ***5.5. Prohibition of slavery, trafficking***

5.5.1. In 2018 the National Strategy against Trafficking in Persons 2018 – 2022 was adopted, together with the National Action Plan 2018-2020 for the implementation of the National Strategy. One of the objectives of the National Action Plan is strengthening and diversifying the efforts to prevent trafficking in persons through better information of the population, in order to raise awareness on the implications of this criminal phenomenon.

In this respect, the prevention work carried out by the National Agency against Trafficking in Persons (NATIP) at national level is part of the approach of the above-mentioned programmatic documents, Romania playing an active role in developing a perspective based on proactivity in terms of both supply and demand. The preventive initiatives carried out aim to sustain the efforts to reduce the demand and supply – the component parts of trafficking in persons. The central aim of the prevention activities is to provide to target groups the necessary information to reduce risks and properly manage their vulnerabilities to traffic. Preventive actions also intent to raise public awareness regarding the implications associated with trafficking in persons, as well as making potential beneficiaries of services provided by victims understand their role in the trafficking mechanism.

Activities carried out domestically and internationally are focused on the global effort to reduce and keep under control the phenomenon of trafficking in human beings, practically aiming to reduce the number of exploited victims, while dismantling organized crime groups involved in trafficking in human beings, constantly pursuing the following **objectives**:

- Rescue victims and ensure their protection;
- Improving the institutional capacity to investigate crimes of trafficking in human beings, especially cases of trafficking in minors;

- International cooperation in common cases, participation in international task force-type work teams and support to joint investigation teams;
- Ensuring the continuity and sustainability of training programs in the field of combating human trafficking for specialists in law enforcement structures;
- identifying and following the goods and profits obtained from committing human trafficking crimes and formulating proposals for the establishment of insurance seizure;

5.5.2. In order to early identify and ensure the access of victims of trafficking in human beings to assistance and protection services, the National Mechanism for Identification and Referral (MNIR) of victims of trafficking in human beings was improved within the project “Trafficking in human beings - a victim-centred approach” by reviewing the identification and referral procedures and developing and supplementing them with new procedures: the procedure for conducting the risk assessment, the procedure for granting the recovery period and reflection, the procedure of assisted voluntary repatriation.

Starting with 2018, the data in the files that have as object the human trafficking are anonymized.

5.5.3. Access to social and legal services for victims of trafficking in persons and violence against women was developed by the National Agency for Equal Opportunities between Women and Men (NAEO) through several ongoing projects that ensure integrated measures and services for the victims of trafficking, exploitation and violence against women:

- The predefined project *Support for the implementation of the Istanbul Convention in Romania* with a budget of 2.5 million € for a period of 3 years envisaging the development of 10 crisis intervention centres for victims of sexual violence and 8 centres for assistance for perpetrators (during 2021). In addition, the project comprises a component dedicated for the training of 250 professionals (prosecutors, judges, police officers).
- The *VENUS* project - *Combating violence against women and domestic violence* funded by European funds (POCU) with a budget of 11 million € for a period of 4 years. Within this project starting 04 March 2020 were launched integrated services: 42 protected houses, 42 support groups (psychological counselling), 42 vocational orientation offices (in order to facilitate the access to education, the professional training and reintegration on the labour market).
- The *VERA* project - *Positive change through integrated action in turbulent times* has a budget of 823.530 € for a period of 36 months. The ongoing project will improve the response capacity of the interinstitutional mechanisms for the emergency intervention in cases of domestic violence, at local level, as well as the institutional capacity by training specialists from Domestic Violence Departments, at county level and development of a Programme on legal advice for victims of domestic violence and gender-based violence.

5.5.4. In 2018, the PHCCJ created the national network of prosecutors specialized in investigating cases involving crimes committed by minors or against minors. The prosecutors appointed to the network shall perform, inter alia, the following tasks: Solving cases concerning crimes committed by and, especially, against minors; monitoring the prosecutor's offices case-law in order to propose taking over the complex cases, intensely publicized, left inactive, in order to supervise or carry out the criminal investigation; dissemination to all prosecutors within the prosecutor's office, respectively within the Directorate for the Investigation of Organized Crime and Terrorism of the latest developments in judicial practice, the relevant ECtHR's case-law of the and international law in the field of children's rights.

5.5.5. Awareness raising activities are structured on various layers:

- Between 2018 and 2021, NATIP implemented at national level more than 320 projects/campaigns/educational projects in order to prevent trafficking in persons, out of which more than 8,000 information-preventive activities were carried out, reaching approximately 480,000 beneficiaries. 8

campaigns, developed in partnership with other national institutions and NGOs and focusing on preventing trafficking in persons for forced labour, forced begging and sexual exploitation purposes went nationally.

- In order to make the fight against trafficking in persons more effective, especially regarding the improvement of the detection capacity of trafficking in persons victims, during 2018-2021, ANITP has organized and conducted more than 470 training sessions where specialists who come into contact with victims/potential victims of trafficking in persons trained about 12,000 specialists, consisting of teachers and school inspectors, school psychologists, social workers, foster workers, educational advisers etc.
- MoIA's workers, separately or in collaboration with the National Agency against Trafficking are present weekly in schools, where they carry out various thematic activities, age-sensitive, such as information sessions, games, contests or workshops on the topic.
- The Institute for Crime Research and Prevention participated in 2019 as National Contact Point within the European Crime Prevention Network – EUCPN, in a prevention and awareness campaign implemented at national level, launched by the network together with the EU Member States.
- NATIP's helpline provides to the general public information on the phenomenon of trafficking in persons, as well as safety advice and recommendations for the development and adoption of a preventive conduct that helps them avoid potential dangers and situations that may lead to this crime.

In addition to its preventive role, the Helpline also involves carrying out activities that are part of the national mechanism for identifying and referring victims to the assistance and protection system.

- between January 2018 and December 2020, the Ministry of Education (MoE) organized 1,289 training sessions, attended by 13,540 teachers, enabling them to carry out information activities for parents and children on the risks of human trafficking.

Various extracurricular activities are organized in view of raising students' and their parents' awareness on the risks of human trafficking and the signs that may lead to the identification of potential traffickers. From January 2018 to December 2020, 3,563 activities were carried out consisting of campaigns, projects, and prevention initiatives, in addition to the dissemination of 52,635 prevention materials, which reached a total of 330,450 beneficiaries. Also 8,276 counselling activities were organized for parents and students on the consequences of human trafficking (226,371 beneficiaries) and 10,750 non-formal education activities for pupils and students were carried out with the participation of 308,757 young people.

In order to ensure the necessary collaboration framework with governmental and non-governmental partners, 1,411 collaboration protocols/partnerships with governmental institutions and 683 protocols and partnerships with NGOs/civil society associations were concluded.

From a curricular perspective, the education for preventing trafficking of human beings and trafficking of minors is approached either explicitly, as a distinct topic, or in an integrated manner, within more general topics, such as children's rights/human rights, the prevention of violence, the acknowledgement of potential risk sources and behaviours when confronted with risk situations.

## **5.6. Women's rights**

5.6.1. Amendments brought in 2018 to Law no. 202/2002 further contribute to the elimination of all forms of gender based discrimination in all spheres of public life in Romania. They also regulate the general legal status of the profession of "Equal Opportunities Expert" and introduced the concept of *gender-based violence*.

National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 and the Operational Plan for its implementation were approved through Government Decision No. 365/2018.

New legislation released in 2020 regulates the psychological harassment in work place and approved the National Strategy and the National Action Plan on the implementation of United Nations Security Council Resolution 1325 (2000) - Women, peace and security for the period 2020-2023).

On 21.05.2021, Law no. 146 / 17.05.2021 *on electronic monitoring in judicial and enforcement criminal proceedings* entered into force. In this context, at the level of the Romanian Police a working group was organized in order to issue the procedure and subsequent acts for the operationalization of the electronic information monitoring system (SIME).

5.6.2. NAEO elaborated, in partnership with NGOs, the project *VioGen RoJust*, that aims to generate long-term positive effects, which can systematically contribute to increasing the understanding of the profile of the victim of domestic and gender violence, its needs, and ways to address them, in order to avoid any form of discrimination and increasing trust in justice, as a corollary of respect for women's rights as an essential part of fundamental human rights.

At the level of training and information activities, the RIHR conducted three training sessions for staff from the Territorial Inspectorates of the Border Police in three counties, for better management of cases involving migrant women and girls.

During 2020-2021, NAEO launched national and regional campaigns, on domestic violence and violence against women, including promoting the Bright Sky application.

5.6.3. After the entry into force of the Istanbul Convention, Romania has taken different legislative and policy measures to ensure compliance with the Convention, which demonstrates the country's commitment to combat violence against women, in particular domestic violence. Such measures include several amendments to the Domestic Violence Law and Gender Equality Law and the adoption of the National Strategy for the promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Violence for the period 2018–2021, recently followed by the National Strategy for Preventing and Combating Sexual Violence “SYNERGY” for the period 2020-2030.

The later includes measures to reduce the negative trend, namely the increase in cases of sexual violence and to prevent recidivism, generally through counselling for children, girls, women, but also through other measures to support and improve the intervention of professionals. The intervention levels regulate specific measures, targeting children, girls, women, boys and men, teachers, professionals and central and local public authorities, families and communities, NGO representatives and society in general. The specific objectives are structured on three essential components: primary prevention, which includes actions and means to prevent the occurrence of sexual violence; secondary prevention, with measures to reduce the negative trends or increase in cases of sexual violence and to prevent recidivism; tertiary prevention, which refers to measures aimed at combating sexual violence and limiting the phenomenon. Particular attention has been paid to cyber-violence, a phenomenon that is becoming more and more common and severely affects many people, especially women.

The most important regulated measures include: continuing education of all relevant professionals (teachers, doctors, psychologists, police, judges, prosecutors, social workers etc.), as well as representatives of NGOs working in the field of prevention and combating of sexual violence in all its forms, including cybercrime; elaboration and approval of compulsory educational content for mainstream education at all levels, adapted according to age, on the topic of preventing and combating sexual abuse of any kind and in any environment, including online; analysis of the current legislative framework from the perspective of the need to ensure online security, combat pornography, revenge pornography, harassment and blackmail regarding the dissemination of sexually explicit material; psychological support for victims of sexual violence, through personal development programs and by identifying ways to bear the costs of psychotherapy, at least for a number of sessions; improving the collection of data disaggregated by sex and age, relationship with the aggressor, complaints and data on their resolution.

The National Integrated Program for the Protection of Victims of Domestic Violence and the Framework Methodology on the organization and operation of innovative national integrated networks of sheltered housing for victims of domestic violence were also approved in 2021.

The Romanian Police implemented, between 2018 and 2020, the project "Effective Criminal Justice Strategies and Practices to Combat Gender-based Violence in Eastern Europe", under the coordination of the OSCE, consisting in organizing training sessions at national level.

Continuous training sessions were organized with the police officers of the public order structures - the first responders. The activity carried out by the police officers from the territorial structures in this field is monitored on a monthly basis, and depending on the resulting conclusions, measures are taken accordingly.

Since 2017, the RIHR Working Group on combating violence against women has carried out a series of actions to support the implementation at national level of the Recommendations drawn up by the CEDAW Committee and addressed to Romania. The RIHR has also strengthened and expanded its partnerships with civil society and in particular with women's rights organizations and has promoted the need to perfect national legislation in the field of domestic violence in the spirit of the Istanbul Convention standards. During the sessions of the Working Group, the causes of violence against women, the obstacles and challenges women face in exercising their rights were analysed and discussed with national institutions and experts in the field, as well as with representatives of civil society, and viable solutions for preventing, managing and combating violence were identified, including continued support for the adoption and updating of legislation reflecting the provisions of the Istanbul Convention.

The RIHR organized in partnership with NAEO a national campaign to raise awareness and sensitize the public on preserving dignity in the workplace and reacting against all forms of harassment in the workplace, with a particular focus on improving the means of providing assistance to victims of violence.

### ***5.7. Economic, social and cultural rights - general measures of implementation and adequate standard of living***

5.7.1. The Romanian Government and the Ministry of Labour and Social solidarity continued to promote adequate policies and legislative measures to increase employment in Romania, which contributes to providing a professional alternative worthy of consideration and with a direct effect on the promotion of employment and the further increase of the standard of living of the people, including agricultural workers or people in vulnerable sectors of the population.

Given the extraordinary situation caused by the SARS-CoV-2 pandemic, the Romanian Government has adopted a series of innovative measures, in line with the evolution of the national situation and the needs of the labour market, in order to maintain jobs in the economic growth sectors and prevent rising unemployment in this time of health crisis.

Since September 2021, the maximum age for young NEETs rose from 25y to 29y.

Several measures, already in place at the beginning of the pandemic, address the social security and access to labour market:

- the employers are stimulated to conclude an apprenticeship contract (with a duration varying from 6 months to 3 years) or traineeship contracts (for 6 months), as they benefit, upon request, from an amount of 2,250 lei /month;
- Graduates of educational institutions and graduates of special schools, aged at least 16 years, who within 60 days from graduation are employed full time for more than 12 months benefit from an insertion allowance equal to three times the value of the reference social indicator in force on the date of

employment, amount granted in two instalments; if they did not get a job according to their training they benefit from unemployment benefits for a period of 6 months, which is a fixed, monthly amount, representing 50% of the value of the reference social indicator in force;

- unemployed people registered with the employment agencies for at least 30 days, who do not receive unemployment benefits, if they are employed full time, for a period longer than 3 months, after the date of registration with the employment agencies, benefit from an activation bonus of 1,000 lei, non-taxable;

- employers who hire graduates of educational institutions or young NEETs receive monthly, for a period of 12 months, for each person in these categories, an amount of 2,250 lei, under the obligation to maintain employment or service relations for at least 18 months. Also, the employers who employ graduates among disabled people for indefinite period receive monthly, for each graduate, an amount of 2,250 lei for a period of 18 months;

- the insertion employers benefit monthly from an amount equal to the basic salary established at the date of hiring the young people at risk of social marginalization, but not more than four times the value of the reference social indicator.

At the same time, given the current pandemic context, in addition to these subsidies provided by the legal framework on the unemployment insurance system and the stimulation of employment, the employers who, until September 1, 2021 employed, for an indefinite period, full time, persons aged between 16 and 29 registered as unemployed in the records of the territorial employment agencies, as well as young Romanian citizens, of the same age category, whose employment relations with foreign employers in the third-country territory ceased in 2020, for reasons not attributable to them, receive monthly, for a period of 12 months, for each employed person in this category, the equivalent to 50% of the employee's salary, but not more than 2,500 lei.

In 2021 a number of 42,215 young people under 25y old (out of which 28,425 NEETs) were employed, as a result of the implementation of the above measures.

As of December 31<sup>st</sup>, 2021, the registered unemployment rate in Romania was 2.69% as compared to 3.38% at the end of December 2020. The number of registered unemployed was of 234.757, down from the levels registered due to the COVID-19 pandemic, which points to the fact that the interventions/support measures were impactful.

Other measures adopted to address the effect of the pandemic contributed, indirectly, to support young people:

- Granting days off for parents to supervise children, in case of limitation or suspension of teaching activities. The indemnity for each day is paid by the employer, in the amount of 75% of the basic wage corresponding to a working day, and may be reimbursed out of the Guarantee Fund for Wage Arrears;

- During reduced-time work, the employees affected by the measure receive a subsidy of 75% of the difference between the gross base wage provided for in their individual labour contract and the gross base wage for the hours of work actually performed due to reduced working time;

- Granting to employers, out of the Unemployment Insurance Fund (paid by PES), 75% of the base wage for each of their workers who are temporarily in technical unemployment, or for which they are no longer able to pay the full salaries, due to the COVID-19 emergency;

- Wage support of up to 41.5% of the base wage for employees or self-employed who have benefited from technical unemployment measures, or who had their individual labour contracts suspended;

- Employers who hire with fixed-term labour contracts of up to 3 months may be reimbursed part of the wages, out of the Unemployment Insurance Fund, representing 41.5% of the wages for the days worked in these jobs for 8 hours/day.

- Employers are granted, once for each teleworker, a financial support of 2,500 RON for purchasing packages of goods and technology services needed to conduct teleworking activities.

5.7.2. As the right to education was also seriously impacted during the last 2 years, including in the context of the closure of educational institutions and transition to online learning, sustained efforts were undertaken both in order to keep schools open as long as possible, under strict sanitary and safety measures, and to organize the national exams and the admission to higher education and graduation exams, for limiting any further negative impact on youth's access to further education and labour market.

The central authorities' measures have been supported by the synergic and complementary measures taken at local and grassroots level by NGOs, private actors and local public authorities.

In order to ensure that learning is not discontinued, in addition to shifting to online teaching and learning, a TV programme with lessons was broadcasted soon after the closure of schools. Continued in the current school years as well, the program broadcasts lessons for final-year pupils in order to prepare them for the national exams. Lessons are also provided in Hungarian for the pupils belonging to Hungarian national minority.

The Pilot National Program "School after School", launched during the second semester of the 2020-2021 school year, aims at the recovery of the educational losses accumulated during the online education periods, and at preventing the school failure and early school leaving of pupils belonging to vulnerable groups (such as Roma children, children from rural areas, children with SEN), in particular those that had little or no access to online learning, through remedial learning activities. The Programme supported around 168,000 primary and secondary school students and benefitted from a budget of 30 million euros from non-reimbursable European funds (including national co-financing). An additional 20 million euros were allocated to remedial learning activities for high school students through the ROSE project.

Measures were taken to ensure teachers' free access to educational platforms, digital resources, and instruments, as well as to technical support and guidance on how to use them. An online portal (<https://digital.educred.ro/>) was launched by MoE soon after shifting to online education. The portal reunites all e-learning programs and online learning resources provided, validated and recommended by MoE, in order to support teachers with the design, implementation, assessment and management of the educational activities delivered online. The portal also provides open educational resources and tools for organizing distance learning and was recognized by UNESCO as a model of good practice.

In parallel, the infrastructure of another major project implemented at national level was capitalized to provide training sessions to help teachers develop and enhance their digital competences, and elaborate guidance documents covering all disciplines. Through the support of regional e-learning experts from the CRED Project, teachers benefitted from technical support, educational content and online trainings, including webinars on the use of educational platforms with free access granted by major companies in the field.

In view of preparing pupils' return to school, at the beginning of the school year 2020-2021, the network of County Centres for Educational Resources and Assistance (CCERAs), subordinated to MoE, carried out activities for pre-schoolers and pupils, under the initiative "Together again!". The activities aimed at developing positive attitudes towards school, in view of facilitating children's familiarization and accommodation to school, including compliance with the sanitary measures and protocols.

Funds have been allocated from the State budget and from other sources, including European funds, for the purchase of electronic devices (such as tablets and laptops) and for covering Internet connectivity costs in order to ensure the access to education of pupils from vulnerable backgrounds. Thus, in 2020, the national program "School from Home" was implemented which allowed the acquisition of 250,000 electronic devices with internet connection for equipping state pre-university education units in view of ensuring vulnerable children's access to online education.



Additional non-reimbursable external funds amounting to 150 million euros were allocated so that public pre-university schools may purchase tablets / laptops for school use and cover the expenses with Internet access subscription, as well as purchase other equipment / electronic devices necessary for carrying out online teaching activities.

In 2020, MoE initiated the *Memorandum on ensuring the internet connection for 2,800 State pre-university education units in Romania through the voluntary support program*, through which the Romanian Government, with the contribution of electronic communications operators and industry in Romania, has provided the necessary conditions for the emergency connection to the Internet of state pre-university education units.

To support high schools, funds amounting to approx. 35 million euros were mobilized in 2020 through a large – scale national project<sup>5</sup>, in view of purchasing laptops and interactive whiteboards for the benefit of 1,093 high schools.

The National Program Euro 200, with annual implementation, proved to be even more relevant in the context of the pandemic, as the Programme supports economically disadvantaged pupils and students in purchasing a personal computer by means of a financial support.

Another national program implemented in 2020 was the “*Education in a safe environment*” Program, financed from the State budget, through which health protection materials and electronic devices were purchased and allocated to schools lacking the necessary financial means.

In order to ensure the post pandemic recovery of the educational system and to also foster its resilience, strategic measures will be implemented in the framework of Romania’s National Recovery and Resilience Plan (NRRP), targeting the digitalization of both the pre-university and higher education systems, the development of teachers’ digital competences, combating and preventing early school leaving, alongside measures targeting the development and quality enhancement of TVET education, the development of quality ECEC system, the governance reform of the pre-university education and the professionalization of school management.

During the pandemic, the lines of action relating to major issues such as the school calendar, the organization of simulated exams and national examinations, the assessment of pupils and other issues (including vaccination and COVID-19 testing) have been discussed and agreed in consultation with the relevant actors, including the students’ organizations and the national and local pupils’ associations. In particular, the National Council of Pupils has been very active in making their voice heard and taking a stand to deliver their points of view and expectations.

5.7.3. Specific measures were adopted to protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including with the increase in domestic violence and abuse, anxiety and depression, as well as stress caused by social isolation.

Early into the pandemic a helpline for the psychological counselling of pupils, teachers and parents in relation to the challenges generated by COVID-19 was launched within a partnership between MoE and a non-governmental organization.

Currently, the CCERAs provide daily psychological counselling to pupils and parents in order to better manage the changes and challenges brought about by the pandemic. Distance and face-to-face activities have also been provided to pre-schoolers, pupils, parents and teachers on specific topics, such as: knowledge / inter-knowledge / self-knowledge, emotion management, emotional and communication skills development, learning management, cognitive and creativity development, career orientation, education for a healthy lifestyle.

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<sup>5</sup> *Romanian Secondary Education Project / ROSE Project*, implemented between 2015-2022, having a budget of 200 million euros, secured through a loan from the International Bank for Reconstruction and Development.

In addition, the network of school counselling teachers of the CCERAs has been very active in organizing online psychological and pedagogical support activities, making use of online educational applications and platforms and by adapting different teaching methods to the online format.

To further address the mental health, psychological and physical wellbeing and safety of children in the context on the COVID-19 pandemic and beyond, in 2021 the Romanian Government initiated the most extensive programme dedicated to such issues – *Caring for Children*, described above, at p. 2.11

## **5.8. Right to education**

5.8.1. Starting with 2021, the differentiation coefficients for the standard costs per student / pre-schooler for the expenses with professional training, the expenses the periodic evaluation of students and expenses with goods and services have been increased in order to cover the material expenses of the pre-university educational establishments in rural areas.

A number of projects have specifically targeted education in rural areas, such as the “Quality and Equity for Performance in Rural Schools Project (Rural edu)”, launched in 2018, which aims to reduce dropout in rural lower secondary schools and motivate teachers who will teach, in a payment per hour system, in these schools and the call for projects “Increasing the participation in pre-school education, especially for the groups at risk of early school leaving, with an emphasis on children belonging to the Roma minority and those from rural areas – The development of preschool education services”, which finances the 36 competitive projects contracted.

Investing in the development of early education services in rural areas and increasing participation is a current goal systematically pursued, with special focus on ensuring the necessary infrastructure and increasing the quality of the services provided. In this respect, the *Project on the Reform of the Early Childhood Education in Romania* contributed with concrete results in this respect, as it should be noted that 87% of the kindergartens targeted by the project’s infrastructure component (consisting in the construction, rehabilitation and endowment of kindergartens) were situated in rural areas. The steps taken in this field will be continued through a reform funded by the National Recovery and Resilience Plan, dedicated to the development and expansion of early childhood education and care, which aims in particular to foster access and provide additional support to disadvantaged groups.

The implemented systemic projects aim at preventing early school drop-out in primary and secondary education, by increasing the quality of the education provided and adapting the learning activities to the specific needs of each student, particularly the vulnerable ones (e.g. *Relevant Curriculum.Open Education for All Project*, / CRED), reducing the school drop-out in secondary and tertiary education and increasing the baccalaureate exam passing rate (e.g. *Romanian Secondary Education Project / ROSE*). Important projects are also dedicated to the digitalization of education by providing the necessary infrastructure and resources (e.g. the *Integrated National Platform Project - Wireless Campus Project*, the *Digital Platform for Open Educational Resources Project (EDULIB / Virtual Library)*).

5.8.2. MoE has continued to implement national programs of social support, striving both to provide the necessary funding to cover as many beneficiaries as possible, including through European funds, and to adapt the programs to better respond to the needs of students.

In this regard, a pilot program started in 2016 and which has recorded promising results in combating school dropout is the *Hot Meal* pilot program, which provides pre-schoolers and students in selected schools with a hot meal. The project was extended in 2019, with the intention of transforming it into a national program.

In 2020, a national support scheme for the most disadvantaged students was introduced, by granting social vouchers for educational support. The vouchers are granted to the most disadvantaged children in the

public preschool, primary and secondary education, in order to cater for material deprivation, e.g. lack of school supplies.

In order to ensure access to "school after school" education programs, in which schools can organize for the benefit of students and in support of their parents, the legal framework was strengthened in 2020 for the introduction of electronic education vouchers, which parents and legal guardians can use to cover the costs of the "school after school" program run by public or private educational establishments.

5.8.3. The curricular reform of primary and secondary education, carried out in 2012-2017, through which new study plans and school syllabi were adopted, was followed in 2019 by the adoption of the *Curriculum for early childhood education* (for the age range 0-6 years).

Through these approaches, the national curriculum for primary and secondary education was focused on the development of students' key competencies, in accordance with students' training profile, while for preschool education, the aim was to focus the curriculum on the child's development areas, free play and individualized support for development and learning.

To further ensure the quality of the educational, in 2020 new standards for provisional operation authorization and accreditation of pre-university educational establishments, respectively, as well as standards for their periodic external evaluation were approved.

The successful implementation of the curriculum and the provision of a quality learning-teaching process depend on teacher training. As part of the objective to ensure adequate professional development of teachers the establishment and organization of a generic master programme for the training of teachers called *Didactical Master* was approved in 2020 and its implementation started in the academic year 2020-2021, with programs offered by eight leading universities. Also, an extensive teacher training program for successful implementation of the primary and secondary education curriculum is carried out through the project *Relevant Curriculum, Open Education for All* (CRED).

To ensure the necessary human resources needed in disadvantaged areas prepared to provide a teaching-learning process focused on the specific needs of vulnerable children the call for projects *Motivated teachers in disadvantaged schools* was launched in 2016, dedicated to schools having large number of students at risk of school drop-out and who fail to attract and retain qualified teachers.

5.8.4. Early school leaving and drop-out, which mainly affect children in rural and small urban areas, those belonging to the Roma community, children with SEN etc., were addressed through the *National Strategy for the Reduction of Early School Leaving 2015-2020*, implemented by the ME, including by means of several projects funded from European non-reimbursable funds. One of the Strategy's most important results was the development of the *Early Warning Mechanism in Education* (MATE), as well as the methodology for data collection in support of MATE, which will help prevent and reduce the phenomenon. To continue the steps implemented thus far, the project entitled *Developing an integrated system of prevention, intervention and compensation to increase school participation (2020-2021)*, funded by the European Commission, with World Bank's technical support was implemented. At the same time, the issue of preventing and reducing school drop-out will be the subject of a reform funded through the NRRP, in which MATE will play a central role, as it is to be implemented by schools, in order to reduce absenteeism, improve assessment results, obtain a higher participation rate in national exams, reach a higher share of students completing compulsory education and monitor students at risk of early school leaving /school drop-out, respectively. Most of the educational establishments targeted by these measures are those in rural areas.

MoE continued to pay particular attention to the development and improvement of Second Chance programs. In this regard, in 2019 two calls for this type of projects were launched: *Second chance education measures* and *Second chance education measures for NEETs young people*.

## **5.9. Children's rights**

5.9.1. The law on children's rights was amended, and a special chapter regarding the children whose parents are working abroad was introduced. The main purpose was that of ensuring effective measures to guarantee that the person who will be taking care of the child during the parents' absence are able to fulfil this duty. At the same time mechanisms for a better monitoring of the situation of these children were introduced, so that the interventions performed be more rapid and more efficient.

In early 2022, the legal framework governing the functioning and organization of the National Authority for the Protection of the Rights of the Child and Adoption was reformed; the total number of positions raises at 85, excluding the public dignity ones.

5.9.2. The Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care was fully implemented, a list of all the classic type institutions which should be closed being drafted. Most of them were subject to projects financed from EU funds, in order to be closed, while for the rest, the closure was decided and implemented by the local authorities.

5.9.3. The national strategy for the promotion and protection of children's rights 2014–2020 and its Plan of Action reached the end of their implementation period. The result of the evaluation showed that progress has been made, the purpose, objectives and actions included in the strategy being in accordance with the needs of the children and their families, at the time when the Strategy was drawn up. At the same time, the conclusions also showed that some of the problems identified in 2014 are still valid, since a permanent solution to them cannot be implemented within a single cycle of public policy. The measures included in the strategy for education and health sectors were elaborated in accordance with the national sectorial strategies.

## **5.10. Rights of persons with disabilities**

5.10.1. The MoLSS and the National Authority for the Rights of Persons with Disabilities renewed in 2020 their cooperation with the Centre for Legal Resources Foundation. The PHCCJ already has, since 2015, a similar cooperation protocol with the same NGO.

5.10.2. The National Agency for Benefits and Social Inspection conducted several monitoring actions meant to enhance the protection level for persons with disabilities, by responding to all allegations and complaints regarding any type of abuse or mistreatment of such.

In addition, the annual plans of the correspondent departments included verifications of unrestricted access of persons with disabilities to the physical, informational and communicational environment, and quality assessments of public and private social services facilities. In figures, the situation during the reporting period can be summarized as follows:

- accessibility of buildings: 2018- 794 verified institutions, 1.177 recommendations issued for remedy, 305 imposed sanctions; 2019- 1231 verified institutions, 4.118 recommendations issued for remedy, 304 imposed sanctions; 2020-1.777 verified institutions, 7.868 recommendations issued for remedy for, 428 imposed sanctions.
- Quality control of social services facilities: between 2018 and 2020, a total number of 989 inspection missions were carried out nationally at social services facilities for people with disabilities, both during the annual thematic campaigns and unannounced inspections.

5.10.3. The State guarantees the right to education of all persons with special educational needs and supports pre-schoolers, pupils and students with special educational needs (SEN).

Children with special educational needs may be included, depending on the type and degree of disability, in special schools as part of *special education* or in mainstream schools (in groups, classes or study formations) as part of *integrated special education*.

*Special education and integrated special education* are part of the national pre-university education system and are free, being organized at all levels of pre-university education, depending on the type and degree of disability.

Children, pupils and young people with SEN, integrated in mainstream education units, benefit from educational services through *support teachers* during pre-school education and throughout the entire schooling period. Students with learning disabilities (dyslexia, dysgraphia, and dyscalculia) are integrated into mainstream education.

Amendments brought in 2019 to the Law on national education provide for the purchase of elevators or alternatively, the organization of the teaching-learning activities in classrooms located at the ground floor.

Starting with the 2020-2021 school year, distinct places for admission to high school, vocational and dual vocational education have been allocated for the individual integration of SEN students, coming from mainstream and special education.

Special education has special study plans, school syllabi, psycho-pedagogical assistance syllabi, textbooks and alternative teaching methods, adapted to the type and degree of disability and approved by the ME.

The new framework study plans for special preschool, primary and secondary education entered into force in the academic year 2019-2020. They have been developed in accordance with the specific provisions of educational policies established at national and international level, which promote access to education and equal opportunities. These are applied, as appropriate, in special education units, but also within the special groups / classes integrated in mainstream education. Based on the approved framework study plans, school syllabi for special preschool, primary, secondary education have been developed, designed and adapted for all types and degrees of disability, which is applicable from the academic year 2021-2022. At the same time, starting with 2019, people with hearing disabilities have digital textbooks adapted to their needs.

Universities can access project-based funds, financed from the Institutional Development Fund for Equity and Inclusion, in view of providing career counselling and guidance, internships, monitoring graduates and their employment etc. At the same time, through the additional funding that state higher education institutions are assigned, amounting to a third of the institutional funding, universities receive funds to meet the quality criteria, including the criteria of equity and inclusion.

For the European funds 2021-2027 programming period, one of the specific objectives set under European Social Fund + focuses on supporting access to quality education at all levels for children / young people with disabilities.

In 2020, the law on Romanian Sign Language, which recognizes Romanian Sign Language (RSL) as the mother tongue specific to deaf people, was promulgated (Law no. 27/2020) and at ME's level the necessary procedure for the consequent amendment of Law no. 1/2011 were launched, in view of providing for the implementation of specific RSL measures.

### ***5.11. Rights of persons belonging to national minorities***

5.11.1. During the pandemic, the Romanian Government, through DIR, carried out an extensive project called "Access of Romanian citizens belonging to national minorities to relevant information about SARS CoV-2 / COVID-19" to monitor the access of citizens belonging to national minorities, in their mother tongue, to the essential information on Covid-19, by monitoring the information in the mother tongue of citizens belonging to national minorities by the central and local authorities, national minority organizations and media on the measures taken to combat the COVID-19 pandemic.

During 2020, DIR, the institution of the Romanian Government, specialized in the field of protection of the rights of national minorities, monitored the way in which mother tongue education was ensured in the

context of the COVID - 19 pandemic. The monitoring results were published on the DIR's own website and sent to the relevant entities, with recommendations<sup>6</sup>.

5.11.2. In 2019, the Law of National Education was amended to ensure better conditions for education in mother tongue for national minorities. Thus, a provision was introduced that allows the organization of new study formations even if the number of students is smaller than the minimum threshold provided by law, in localities where there is such demand. At the same time, in exceptional situations, the legal framework allows for the functioning of study formations of both pre-schoolers and pupils with a number below the minimum threshold or above the maximum threshold provided by the law, subject to the approval of the Directorate for Minorities within MoE, following a justified proposal submitted by the management board of the educational establishment or by a national minority organization represented in the Romanian Parliament). In addition, through the above mentioned legislative amendments, the favourable approval of MoE, of the Education and Youth Commission of the Council of National Minorities (body under the coordination of DIR within the General Secretariat of the Government) and/or of the national minority organization represented in the Romanian Parliament is required in order to set up, reorganize, dissolve any study formations for education in the mother tongue of a national minority.

At the same time, an amendment of the Law, introduced in 2018, provides that the establishment of educational establishments can be carried out at the initiative of any legal person of public or private law (e.g. local authorities and private legal entities, the management of a recognized cult, respectively), interested in providing education, under the conditions laid down by law.

Within the education in the mother tongue of national minorities, the school subjects studied include: *History and traditions of the minority and Music Education* specific to the minority. These school subjects are also studied by students belonging to national minorities who study in educational establishments with Romanian as the language of schooling and who have opted to study their mother tongue.

The diversity of cultures and the history of minorities are integrated within mandatory school subjects, such as *History* and *Intercultural education*. In particular, the school syllabi for lower secondary education (grades 5-8) introduced in 2017 includes in the *History* discipline topics on the national minorities in Romania, the history of Roma people, including the Holocaust of Roma people. Moreover, the curricula is designed in a manner that enables pupils to develop the capacity to distinguish the relationship between human action and the values of a democratic society, prevent stereotypes, fight discrimination and xenophobia and acquaint themselves with multiculturalism and its multiple perspectives.

The school subject *Intercultural education*, which is studied in the 6<sup>th</sup> grade, focuses on promoting the values and principles of an intercultural society and recommends classroom practices that help pupils become individuals capable of capitalizing on their own culture and of appreciating other cultures (minorities, migrants etc.). This subject curriculum has a strong participatory component and aims to improve intercultural dialogue and action.

Pupils also have the opportunity to choose from the Curriculum at the school's decision (CSD) providing courses established based on the pupils' learning needs and interests, the specificities of the school, the needs and traditions of the local community. CDS can include courses offered both at the level of the school/ high school and at national level. Some of the relevant national level CDS for secondary education level, relevant to the context of national minorities, include: *Oral history - Lived History - Narrated History, Intercultural Education, History of National Minorities, and History of Jewish People, The Holocaust* etc.

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<sup>6</sup> <http://www.dri.gov.ro/w/accesul-la-educatia-in-limba-materna-a-elevilor-apartinand-minoritatilor-nationale-in-contextul-generat-de-pandemia-covid-19/>

5.11.3. The draft National Strategy for the Inclusion of citizens belonging to Roma minority is under approval. The Strategy is to be financed mainly from the State budget and, complementary, from European programs, and will address the main domains which contribute to the exclusion, marginalization and discrimination of vulnerable groups: access to education, health and social services, living conditions, access to the labour market.

The new NRIS has a dedicated Plan of actions aimed at combating discrimination, anti-Roma attitudes and speech with a focus on promoting a culture favourable to equality and non-discrimination in public administration (all levels), as well as the state-funded private service providers. It also includes measures leading to the reconciliation with the traumatic history of Roma (slavery, Holocaust/genocide, forced assimilation).

As the National Strategy is an enabling condition for accessing European funds, a flexible mechanism for real-time monitoring of the implementation of the Strategy has been set up, which also allows the updating of measures and interventions in communities.

Actions and public reaching campaigns focusing on the realization of Roma's rights centred on education, children's rights and combating discrimination in school environment in several counties ("Local development, poverty reduction and increasing Roma inclusion", "National Platform of Good Practices for Roma", SOS- Roma children). Moreover, the Romanian Government, through DIR organized projects emphasizing the various values and manifestations of Roma culture ("The Roma Theatre is not Nomadic", "Mother Tongue, as a proper name", publication of series of stories and Romani literature etc.).

The concern for improving the situation of citizens living in marginalized communities with Roma population is a constant on the work agenda of the Romanian Government. In this respect, these communities are a priority target for both ESF+ funded operational programs and the RRNP for the period 2021-2027, closely following the coordinates of the new European Inclusion Framework, launched in October 2020.

MoE, with the support of other educational partners implements a series of affirmative and support measures that target specifically children and youth belonging to the Roma minority. The approach taken is two-fold, including measures that address the needs of Roma from a national minority perspective (focusing on the teaching of Romani language or the provision of education in this language, the study of the Roma history and traditions) and measures that foster the equality of chances, access and other social support measures (the school mediator program, the allocation of guaranteed budgeted places in high school and higher education, general social support measures). However, as many of the challenges the Roma communities are confronted with in relation to education are in fact the challenges faced by disadvantaged groups, all measures dedicated to these groups also target Roma children and youth, especially those in the field of early childhood education and care (ECEC) field, the combat and prevention of school drop-out and early school leaving, the increase of the quality of education and the adaption of teaching and learning activities to the needs of pupils, the provision of *Second chance* programs etc.

A couple of projects implemented recently, with external support, are also relevant example of the constant preoccupation to foster Roma children's participation in education.

Within the EEA Grants 2014-2021, the *Education, Scholarships, Apprenticeships, Youth Entrepreneurship Programme* (ESAYEP), includes a component specifically targeting Roma pupils (with a total budget of 1.411.756 euro) that funds 7 projects on inclusive school and education, tolerance, multicultural environments, anti-discrimination and democratic citizenship, as well as training of teachers on related issues.

The European Union and Council of Europe's Joint Project *Inclusive Schools: Making a difference for Roma children* (INSCHOOL) aims at enhancing the social inclusion of Roma by promoting inclusive

education and training in selected national schools in several European countries, including Romania. The implementation of the Project in Romania was two-phased: a pilot phase carried out between 2017 and 2019 and a second phase implemented between 2019 and 2021.

The main objectives of INSCHOOL Project included: the setting up of support mechanism for pilot inclusive schools; the provision of support to teachers to promote inclusion and to improve the learning outcomes of Roma children; support for removing concrete barriers for vulnerable groups and awareness raising on the benefits of inclusive education for both the general public and decision makers.

In addition, in 2020, schools from the most disadvantaged ones in Romania with a large number of Roma children could apply to a micro grant scheme providing emergency support in view of ensuring access to quality education and respond adequately to the students' specific needs generated by the COVID-19 pandemic. The funding opportunity was provided within the INSCHOOL Project.

In addition, Roma children and other disadvantaged pupils were among the main beneficiaries of the programs and support measures implemented in response to the closure of schools and the shift to distance learning as a result of the pandemic outbreak.