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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Romania**

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## **I. Methodology and consultation process**

1. The present report has been prepared in line with the guidance provided in the Human Rights Council resolution 5/1 and the General Guidelines for the Preparation of Information under the Universal Periodic Review, contained in document A/HRC/DEC/17/119. It focuses on the developments of the human rights situation in Romania since the last review and on the progress in the implementation of the recommendations received during the first UPR in 2008, given also the mid-term report submitted by Romania in 2010. Non-governmental organizations were invited to participate in the drafting of the report, in the framework of a consultative process. Their comments and observations were duly taken into account.

2. The information selected and compiled by the experts of the Ministry of Foreign Affairs was supplied by the following Romanian institutions: Ministry of Justice, Ministry of Administration and Interior, Ministry of Health, Ministry of Labour, Family and Social Protection, Ministry of Education, Research, Youth and Sports, Ministry of Regional Development and Tourism, National Institute for Magistracy, Superior Council of Magistracy, People's Advocate, State Secretariat for Religious Denominations, Department for Interethnic Relations, National Council for Combating Discrimination, National Council for Audio-Visual, National Administration of Penitentiaries, National Authority for Restitution of Properties and National Agency for Roma.

## **II. Developments concerning normative framework for the protection and promotion of human rights**

3. Since 2008 up to date, an ample reform of the judiciary took place. Its impact on the national legislation on human rights will be presented in Chapter III.3. of the present report.

4. Also, a series of normative acts was adopted in order to improve the framework legislation applicable in the justice system (justice system's regulations), to institutionally strengthen the judiciary, to modernise the statute of the legal professions or related to the justice system, to increase the citizens level of trust in the act of justice and also the European and international partners' level of trust in the quality and the predictability of the Romanian judiciary activity.

5. In this respect, the following legislative acts can be mentioned as an example:

- Law no. 176/2010 on the integrity in exercising high public functions and public duties, on amending Law no. 144/2007 on setting up, organizing and functioning of the National Integrity Agency, as well as on amending other normative acts, published in the Official Journal no. 621/2 September 2010.
- Law no. 36/2011 on the approval of the Government Emergency Ordinance no. 59/2009 for the amendment of Law no. 303/2004 on the statute of judges and prosecutors and for the amendment and supplementing of Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Journal no. 204 of 24 March 2011.
- Law no. 148/2011 on closing down some courts and the prosecutors' offices attached thereof, published in the Official Journal no. 510 of 19 July 2011.
- Law no. 300/2011 for the amendment and supplementing of the Law no. 303/2004 on the statute of judges and prosecutors, and also for the amendment of article 29, paragraph 1 lit. b) of Law no. 304/2004 on the organisation of the judiciary, published in the Official Journal no. 925 of 27 December 2011.

- Law no. 63/2012 for amending the Criminal code and the Law no. 286/2009 on the Criminal code (extended confiscation), published in the Official Journal no. 258 of 19 April 2012.
- Law no. 28/2012 for amending and supplementing some normative acts, for improving the activity of valorising the seized assets or, as the case may be, the assets which have entered, according to the law, within the private property of the estate, published in the Official Journal no.189 of 22 March 2012.
- Law no. 60/2012 on the approval of the Government Emergency Ordinance no. 79/2011 for the regulation of certain measures necessary for the entrance into force of the Law no. 287/2009 on the Civil Code, published in the Official Journal no. 255 of 17 April 2012.
- Law no. 76/2012 for the implementation of Law no. 134/2010 on the Civil Procedure Code, published in the Official Journal no. 365 of 30 May 2012.
- Law no. 24/2012 for the amendment and supplementing of Law no. 303/2004 on the statute of judges and prosecutors and of the Law no. 317/2004 on the Superior Council of Magistracy, published in the Official Journal no. 51 of 23 January 2012.

### III. Progress in the field of human rights protection and promotion

6. Under this chapter, concerning the recommendations made to Romania in 2008, the evolutions which took place in the period 2008–2012, and in addition to the aspects already presented within the **mid-term report** submitted by Romania in 2010, the following is to be underlined.

7. With regard to **recommendation 1**, by Law no. 109 of 14 April 2009, published in the Official Journal no. 300 of 7 May 2009, Romania ratified the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment.

8. Also, by Law no. 221 of 11 November 2010, Romania ratified the Convention on the Rights of Persons of Disabilities, adopted in New York by the United Nations General Assembly on December 2006, opened for signature on 30 March 2007 and signed by Romania on 26 September 2007.

9. As concerns **recommendation 2**, in Romania the legal provisions on citizens rights and freedoms are interpreted and enforced in accordance with the Universal Declaration of Human Rights, the covenants and other treaties to which Romania is a party. In accordance with the provisions of Article 20, paragraph (2) of the Romanian Constitution, “if there is a discrepancy between the covenants and treaties on fundamental human rights to which Romania is part, and national laws, the international regulations prevail, unless the Constitution or national laws contains more favourable provisions”. This constitutional provision is a guarantee for the respect of the international standards and an obligation for the Romanian state to prioritize the harmonization of national legislation with international provisions.

#### A. Equality and protection against any discrimination

10. Concerning recommendations made as regards discrimination in general and the discrimination against Roma in particular (**recommendations 3, 4, 5, 7, 8, 9, 10 and 11**) and given the developments which took place since the last evaluation and the mid-term report presented in 2010, the following are to be stressed.

11. With regard to **recommendations 4, 5, 7 and 10**, at the end of 2011, by Government Decision no. 1221/2011, published in the Official Journal no. 6 of 4 January 2012, the Strategy of the Government of Romania for the inclusion of the Romanian citizens belonging to the Roma minority for the period 2012-2020 was adopted.<sup>1</sup>

12. Roma informal settlements continue to be an important preoccupation of central and local authorities in Romania and substantial efforts are made by authorities and civil society in order to adapt the legislation to the realities. At present, the United Nations Development Program is financing a project in the north-west region of the country, aiming at the efficient use of EU funds for the construction of houses and for the social inclusion of disadvantaged Roma population of Cluj area. The project has a 6 month period of implementation and will be finalised on 15 November 2012.

13. School segregation of Roma children is prohibited by law (Order of the Ministry of Education, Research, Youth and Sports no. 1540 of 19 July 2007, published in the Official Journal no. 692 of 11 October 2007) and serious progress was registered in this field, especially through several projects funded by the European Commission. Among the ESF projects initiated by the NGO Romani CRISS Association (Roma Center for Social Intervention and Studies) in partnership with the Ministry of Education, Research, Youth and Sports (MERYs), we mention the on-going project “Strategic steps for the improvement of the access to education of Roma children”, among its objectives being the development of desegregation plans in 90 schools of 4 regions of the country (north –west, centre, south-east and Bucharest) for a period of 3 years with a view to implement the Methodology of the aforementioned order of MERYs.

14. In terms of education, there is a special initiative of the National Agency for Roma referring to the enactment of a Governmental Decision regarding the approval of school reserved seats for university education, school year 2010-2011. According to this, the school reserved seats were increased by 30 Ph.D. scholarships and 10 Master's degree scholarships, specially designated to Roma' higher education graduates. They also benefit of material support and trainings within European institutions. All the above was possible by implementing a strategic structural project “Building and implementing an innovative interdisciplinary doctoral program related to Roma issues”, financed through ESF – OPHRD 2007-2013. The value of the program is 5 mil Euros.

15. The National Agency for Roma (NAR) has continued to pay special attention to the Roma health mediators. Since 2011, the Agency became the partner of the Council of Europe in implementing the European Training Program for Roma Mediators - ROMED Program. The program initiated by the Council of Europe in Romania is part of the Declaration adopted in Strasbourg on 20 October 2010.<sup>2</sup>

16. The number of Roma school mediators trained is 923, of which 56 persons were trained during the summer of 2012. Other 220 school mediators were trained by the Council of Europe during the summer of 2012 within the ROMED Program. During the school year 2011–2012, the number of school mediators employed at county level is of 437 school mediators. The number of school inspectors for Roma employed at national level is of 17 Roma inspectors out of 42 existing at the level of each county school inspectorate. In the period 1999–2012, the number of teachers having benefitted from Romani language courses is of 1.150, out of which 51 in the summer of 2012. For the school year 2012–2013, the number of seats reserved in universities for the Roma candidates is of 555.

17. On 31 July 2012, the number of *Roma women* employed following the use of measures for stimulating the occupation of the labor market was of 846.

18. The National Agency for Roma, as National Focal Point of ROMED Program, supports the mediators in implementation process of practical activities, supports the Council of Europe in ROMED monitoring process, provides inputs to the pool of trainers

on the online platform, in order to facilitate the organization of the second training session and feedback on the national activities during the stock-taking conference.

19. The Ministry of Administration and Interior developed several programs to solve the issue of persons without identification documents, some of them Roma. For example, following specific activities carried out in 2011, a number of 25,569 citizens of Roma community has been provided with identity papers and a number of 2,534 citizens of Roma community has been provided with civil status papers.

20. Following the initiatives of NAR, during the 2011 National Census of the Population and Housing in Romania, representatives of Roma minority (familiar with Romani language) have been included within the census teams. They facilitated both access to the local communities where a significant number of Roma live, and communication with their members, ensuring on data consistency.

21. With regard to the cultural field, since 2010, National Agency for Roma financially supports an innovative cultural event: the first performance in Romani language of the theatre play “*A stormy night*” by I. L. Caragiale. This is an absolute premiere in the Romanian theatrical realm, as well as the fact that the whole cast is represented by Roma professional actors.<sup>3</sup>

22. With regard to the structural projects financed by the European Social Fund, it has to be mentioned that the National Agency for Roma implemented six projects as principal partner funded by the European Social Fund Operational Programme Human Resources Development 2007–2013. These six strategic projects had an implementation period of three years and a total value over 22.2 million Euros, out of which over EUR 18.6 million contributions from the European Union and 3.6 million Euro national contributions.

23. The strategic projects were implemented in 541 communities where the number of Roma people is significant, in partnership with 21 public institutions and representative organizations, out of which 17 are national partners and 4 transnational partners from Italy, Spain and Hungary.

24. At the time of finalisation, all the projects transcended both the indicators proposed and the number of target group. So that instead of 37,000 beneficiaries initially scheduled within the financing contracts, 63,738 people benefited from the projects’ activities.

25. In addition to the six ESF projects mentioned before, NAR is a partner in the implementation of other four projects, two in education and two in social inclusion, together with the Ministry of Labour, Social Protection and Family, municipalities, NGOs and transnational partners from Greece, Portugal and Hungary.

26. Connected to ESF projects, at the initiative of the NAR and with the support of the European Commission, during the Sectorial Operational Program for Human Resources Development Monitoring Committee meeting of 22 October 2009, has decided to set up a Technical Working Group to support access of Roma people to the operations financed by European Social Fund through SOPHRD. In May 2011, the Group transmitted to the Sectorial Operational Program for Human Resources Development 2007-2013 (SOP HRD) its first report referring to its organization and activity. At the meeting of 24 November 2011, the Regulation of organization and functioning of this Working Group was approved by the decision of SOP HRD Monitoring Committee. One of the main tasks of the Working Group refers to gathering and analysing information on the projects focused on Roma people and the problems that Roma communities are facing.

27. Consequently, the Working Group analysed the results of the implementation of the 103 projects addressing the social integration of Roma in the first half of 2012 and presented its conclusions during the meeting of the Monitoring Committee of the Operational Program for Human Resources Development, held on 5–6 June 2012.

28. It also has to be stressed that the Ministry of Regional Development and Tourism manages the following programs:

(a) The National Program for Infrastructure Development – a program of public investment in infrastructure, approved by Government Emergency Ordinance no. 105/2010. Until now, the program has included 6 sub-programs, four of which are managed by the Ministry of Regional Development and Tourism:

- 10,000 km of county and local-interest roads;
- Modernization of the Romanian villages;
- Sewerage and wastewater treatment system;
- Water supply to localities.

(b) The program of building rental housing units for young people, developed through the National Housing Agency (NHA).<sup>4</sup>

29. Mention should also be made that, based on the provisions under Government Decision no. 1237/2008, the Ministry of Regional Development and Tourism is developing the *Pilot Program “Social Housing for Roma Communities”*. The pilot program aims to implement pilot projects for building a total of 300 social housing units in the 8 development regions of Romania, at locations determined by the Ministry of Regional Development and Tourism, following proposals from the National Agency for the Roma and from the local authorities.

30. As a course of action in implementing the aforementioned strategy, social infrastructure and housing issues require a complementary approach, involving the development of social centres aimed at providing integrated social, employment and training services in areas with a large Roma community.

31. Concerning **recommendation 5**, the National Employment Agency promotes the employment among the Roma people through an integrated approach, aiming at an active social inclusion. Measures for employment envisage both the labour mediation in order to facilitate the direct access to a job (job fairs for Roma) and information and career counselling, professional training and social promotion to deal with problems faced by certain Roma families/communities are facing from the perspective of poverty and social exclusion.

32. Until 31 December 2011, the Roma people who accessed active measures were in number of 50,149, out of which 5,492 people were employed. For 2011, the NEA had foreseen the participation at free training courses for 1,057 Roma people, out of which 334 are Roma women. By the end of December 2011, the number of unemployed Roma enrolled in the training courses was of 898 people, out of 46,687 people.

33. For professional reintegration of Roma, within the Employment Program for 2011 the Program 145 was included, especially designed for communities with a large number of Roma, in which it was estimated to be employed approximately 39% of the total number of Roma people proposed to be employed in 2011. In this special program, the emphasis is on customized actions, especially on labour mediation and counselling. As a result of the Program 145, until 31 December 2011, 2,444 persons have been employed.

34. On 5 January 2011, the National Education Law no. 1/2011 was adopted. Article 3 of this law states the principles that are governing Romanian pre-university and higher education. Among the principles we find “...i) The principle of the recognition and guarantee of rights to those belonging to national minorities, the right to keep, develop and express their ethnical, cultural, language and religious identity; j) the principle of ensuring equal opportunities; o) the principle of social integration;..” The normative act contains

provisions that establish positive measures and facilities for vulnerable groups, such as Articles 12 and 85.

35. In **2011**, the Romanian Police, through its structures with relevant expertise in the field, participated in the Project “Mission Possible – police officer in a multicultural community”, a project that was financed by the Romanian Government through the Department for Interethnic Relations and aimed at promoting ethnic diversity through encouraging the young people belonging to Roma and Hungarian minorities towards a career in the police structures.

36. In **2012** (January–July), the Romanian Police, through its structures with relevant expertise in the field, participated in the following activities which had, as a result, the implementation of an information campaign in 26 high schools at the level of counties Bihor, Cluj, Harghita, Mures and Satu Mare (by organizing meetings with high school students and formal and informal leaders of Roma population) regarding the educational offer of police schools, in order to attract young Roma and Hungarians towards a career in the police. The Romanian Police has also developed and launched the project entitled *"Promoting the concept of “police to the interest of community” (proximity police) in rural areas, especially for Roma communities and other economically and socially disadvantaged communities"*. The project will run from May 2012 to May 2014, and during this time, a total of 2,400 police personnel will be trained on project-related issues.

37. Also, the National Council for Combating Discrimination, through its specialized departments, has initiated and developed over time a wide range of projects that were designed to cover a significant part of the Objectives and Priorities from the Action Strategy of NCCD.<sup>5</sup>

38. NCCD is reacting, according to its competences, in cases of discrimination. As an example, we mention NCCD’s self-notification in the case of the wall built by Baia Mare City Hall, which separates social houses, occupied mostly by Roma people, from Horea street and main street for car traffic. The NCCD found that the building of the wall represented discrimination, issued a fine of 6,000 lei (approximately EUR 1.380). At the same time, the Steering Board recommended “partition wall demolition and measures to improve housing conditions of Roma people”.

39. By Order no. 1540/19 July 2007 on forbidding school segregation of Roma children and for the approval of the Methodology for the prevention and elimination of school segregation for Roma children, it was stated that the County School Inspectorates are charged with reporting annually on the state of education and quality education. In a separate section, they have to report on the results in implementing plans to eliminate segregation, violation of the normative act attracting contraventional, civil liability or criminal laws in force. Prevention and elimination of school segregation phenomenon is an imperative condition for implementing the principles of inclusive school. In terms of other fundamental rights of children in Romania an interdependent network of state institutions is developed, each with clearly defined attributions on each child’s fundamental right.

40. In order to make the non-discrimination and equality principle better known, NCCD organized the "Conference of non-discrimination and equal opportunities", which had three objectives: the capacity development on knowing and understanding of non-discrimination and equal opportunities principles between men and women and different categories of people, developing capacity of understanding and application of objective law to discrimination and equal opportunities, and stimulate interest in involvement to eliminate any kind of discrimination.

41. The relations with the Council of Europe have been tighter in 2011 thanks to the two important monitoring visits which took place at short intervals: the first monitoring visit regarding the application of the European Charter for Regional or Minority Languages,

which took place between 14 and 17 March, which included separate talks with all the minorities' organizations, discussions with representatives of the central public authorities, with an NGO from Tg. Mures. In January 2012, the Department for Interethnic Relations (DIR) received the opinion project of the Council of Europe on the application of the Charter for Languages in Romania. The third monitoring visit regarding the implementation of the Framework Convention for the protection of national minorities in Romania took place between 17 and 21 October in Bucharest, Cluj and Baia Mare. The delegation was formed by members of the Advisory Committee and of the Council of Europe's Secretariat of the Framework Convention for the Protection of National Minorities. The measures taken at a national level in order to implement the recommendations made at the previous monitoring visit were evaluated and a new analysis of the current situation and of the most recent evolutions concerning the national minorities of Romania was made.

42. It is also to be noted that the National Audio-Visual Council (NAC) has constantly been monitoring violation of the legal provisions regarding the prohibition of incitement to hatred or discrimination in accordance with the European Convention on Transfrontier Television and sanctioned violation of the regulation in force. It is worth mentioning that NAC has concluded in 2010 an agreement with the National Council for Combating Discrimination that set the framework for a media campaign, broadcast between 31 March–31 July 2010, as explained in the press release on the NAC website <http://www.cna.ro/Spune-i-NU-discrimin-rii.html>. The title of the campaign was: *Dosta, overcome prejudices, learn to know Roma people*.

43. Concerning persons living with HIV/AIDS and given also **recommendation 9**, in addition to the aspects presented within the mid-term report, we underline that people newly diagnosed with HIV infection are clinically and laboratory evaluated, based on ECDC/WHO criteria, and included in the antiretroviral therapy. Efforts are made in order to avoid therapy discontinuity and patient drop-out.

44. The National College of Physicians is routinely investigating, upon request from patients, families or NGOs, all the cases of malpractice, including the discrimination against people with HIV and AIDS.

45. The Ministry of Health and the National Health Insurance House coordinate the national health programs for prevention and treatment of HIV and AIDS and monitor, together with NGOs, any case of discrimination of persons living with HIV and AIDS.

46. The NCCD has received three petitions in 2010 concerning discrimination based on the criterion HIV infection, and in 2011 one petition. Their number decreased compared to 2008–2009. In 2008, NCCD has notified itself on the publishing of a list of people infected with HIV on the website of a local authority in order to get facilities on public transport. NCCD ascertained the discrimination deed and sanctioned the mayor with a fine in amount of 1,000 lei (approximately 280 Euro).

47. During 10–12 November 2010, the project “Am I different? I am talented!” was held in Bucharest within the Hospital for Infectious Diseases “Victor Babes” and it aimed to promote the principles of equal opportunities and non-discrimination and the rights of the HIV-positive youngster/children. The overall objective of the project was to inform 60 children, youngsters and the personnel of the hospital regarding the principle of equal opportunities, elements to prevent and combat discrimination and promote the knowledge and understanding by youngsters, doctors, nurses, psychologists of the right of not being discriminated, of child's rights, of certain situations which constitute discrimination deeds.

48. As concerns **recommendations 3 and 11**, during 2010–2011, NCCD has developed, in partnership with the Ministry of Administration and Interior, the project “Training for trainers on preventing and combating all forms of discrimination”. The project aim was to inform, educate and raise awareness among police officers on social issues aimed by the



actions of various groups vulnerable to discrimination. The Ministry of Administration and Interior has implemented this course as a model of good practice in all counties Police schools of the Ministry and, starting with 1<sup>st</sup> October 2011, the course “Preventing and combating all forms of discrimination” was introduced within the training programs for the personnel of the Ministry.

49. Since 2010, the Institute of Studies for Public Order has developed a partnership with ACCEPT ASSOCIATION- the first Romanian non-governmental organization that defends and promotes the rights of LGBTs (lesbians, gays, bisexuals, transgenders) at the national level. As a result, two ISPO trainers took part in a training programme dealing with combating intolerance and discrimination towards persons and groups on the grounds of sexual orientation and gender identity. ACCEPT Association offered ISPO didactic materials, flyers and brochures regarding issues of sexual orientation, gender identity and hate crimes against LGBTs. These materials are used during the training sessions (basic training programmes for police officers) which are held in ISPO and to which 660 police officers participated from 2011 up to present.<sup>6</sup>

50. During 2010–2011, within the new Strategy in the field of Equal Opportunities between Women and Men for 2010-2012, reunions and meetings were organized, as well as debates on themes such as equal participation of women and men in the decision making process, eliminating gender stereotypes, the role of women in rural areas, the reduction of the gender pay gap. A various palette of participants, such as representatives of social partners, central public administration, NGO’s and citizens, attended the events.<sup>7</sup>

51. With regard to **recommendation 8**, the Romanian authorities at the level of Police units took measures to prevent and counter the antisocial acts against the members of the LGBT community, being interested in training its staff in the field of modern methods used at European level in countering discrimination based on sexual orientation, in order to contribute to a viable partnership between police and sexual minorities.

52. Thus, there is good collaboration between the General Directorate of the Bucharest Municipality Police (GDBMP) and the aforementioned ACCEPT Association, representative of the LGBT community.<sup>8</sup>

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

53. With regard to **recommendation 24**, the Regulation on the security of places of detention subordinated to the National Administration of Penitentiaries (NAP), approved by order of the Minister of Justice no. 1676/C/2010 and published in the Official Journal no. 519 of 27 July 2010, establishes standard procedures for intervention and restraint, detailing in Articles 292-294 the principles set out in Law no. 275/2006 on execution of sentences and measures ordered by the judicial authorities in the course of criminal proceedings, i.e. the use of means of coercion must be proportional to the degree of danger, they apply only for the period necessary and only when there is no other way of removing danger and they never have the character of a sanction. Provisions are binding on all staff of the Romanian penitentiary system and their failure leads to criminal liability, civil or disciplinary action, as appropriate.

54. By decision no. 429 of 8 April 2011 of Director General of the NAP, the Manual on the structures associated to special security measures, coercion and control, as well as for the use of means of restraint and techniques has been approved.<sup>9</sup>

55. The Romanian Police carry out different activities that mainly deal with human rights observance for the people deprived of liberty remanded in custody in centres which are subordinated to the General Inspectorate. Starting with 2010, the Romanian Police have taken the initial steps in a direction that facilitated Institute of Studies for Public Order

(ISPO) to promote a series of courses on prevention of torture and inhuman or degrading treatment or punishment, namely 6 training sessions designed for custody police officers and for those having as area of responsibility criminal investigations and public order.<sup>10</sup>

56. With regard to issues related to the improvement of detention conditions (**recommendation 25**), Decision no. 430/2009 of the National Administration of Penitentiaries aimed at creating establishments according to the correctional enforcement in particular, age and sex of inmates, reducing overcrowding, promoting the participation of inmates to work outside the detention room and allowing better distribution of supervisory staff.<sup>11</sup>

57. According to the Order of the Minister of Justice C/433/2010, compulsory minimum standards have been set out related to conditions of accommodation of the convicted persons, as follows: for every person deprived of liberty categorized in the closed and maximum security prison regime, as well as for minors, young people, people on remand and convicted whose enforcement regime has not yet been settled should be provided with 4 m<sup>2</sup>; for every person deprived of liberty categorized in the half-open and open prison regime provisions should ensure 6 m<sup>3</sup> of air.

58. This legislation is an important step in the effort to implement the recommendations of the European Court of Human Rights to ensure a minimum living space per inmate (standard of 4 m<sup>2</sup> per detainee, regardless of prison regime).<sup>12</sup>

59. In terms of solutions adopted, we mention the increasing the capacity of accommodation, the involvement of persons deprived of liberty in activities outside the detention room, legislative measures, administrative measures, monitoring mechanisms.<sup>13</sup>

60. With regard to cases in which Romania is a party before the ECHR, they have been monitored and the reports produced by State institutions and NGOs have been reviewed as a result of their visits in prisons. Also, a system was established for monitoring decisions issued by delegated judges and judgments of the courts concerning the conditions of detention and the exercise of the rights of persons deprived of liberty.

61. Since January 2011, the Inspection and Control Directorate has harmonized its objectives with those covered by the Committee for the Prevention of Torture (CPT), for the purposes of verification, monitoring and assessment of progress in detention conditions in relation to the issue of CPT and cases submitted before the ECHR.

62. A matter under the serious attention of the Romanian authorities is human trafficking (see **recommendation 12**). In the period of 2010 - 2011, the Romanian Police elaborated and launched the Project with the title "Strengthening the capacity of judicial authorities for investigating the cases of human trafficking", on which 230 police officers, gendarmerie officers and prosecutors were trained.<sup>14</sup>

63. The legal framework on trafficking in persons was completed and improved through amendments to Law no. 678/2001 on preventing and combating human trafficking by Law no. 230/2010, aimed at setting up additional measures to discourage demand, to protect victims, punish traffickers, as well as supplementing the definition of the crime of trafficking to include new forms of exploitation.

64. Regarding *the protection and assistance of victims of trafficking in human beings*, an important tool is the "Protocol of cooperation on the coordination of human trafficking victims in criminal proceedings". This tool, created in 2008, follows the existence of a uniform response for victims, through inter-institutional cooperation between state bodies involved in the fight against human trafficking, such as the National Agency against Trafficking in Persons (NAATIP), Directorate for Investigating Organized Crime and Terrorism within the Public Ministry, the General Inspectorate of Romanian Police,

Romanian Immigration Office, General Inspectorate of Border Police and Gendarmerie General Inspectorate of Romanian Ministry of Administration and Interior.<sup>15</sup>

65. As far as the *trafficking of children* is concerned, which is directly linked to the exploitation of children and even more, to the sexual exploitation thereof, the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting was adopted and has as deadline for its transposition into domestic legislation 6 April 2013.<sup>16</sup>

### C. Administration of justice and rule of law

66. With regard to this aspect, given also **recommendations 22 and 23** concerning Romania's legal reform under the Cooperation and Verification Mechanism, the following are to be stressed.

67. The assessment of both anticorruption strategies and their action plans (The National Anti-Corruption Strategy 2005-2007 and the National Anticorruption Strategy/NAS on Vulnerable Sectors and Local Public Administration 2008-2010) was carried out in 2011, by two independent experts, under a project implemented by the Ministry of Justice in cooperation with the United Nations Development Program, "Support to the Ministry of Justice to implement the recommendations of the European Commission under the Cooperation and Verification Mechanism". The assessment aimed at performing an analysis of the strategies' impact, the results achieved through their implementation and the interventions undertaken in relation to the priorities and objectives established in them.

68. The assessment process conducted was oriented to defining the relevance and fulfilment of the objectives, development efficiency, effectiveness, impact and sustainability in application of both Anti-Corruption Strategies (2005–2007 and 2008–2010).

69. The specific recommendations issued by "The independent assessment on the implementation of the National Anticorruption Strategy 2005-2007 and the National Anticorruption Strategy on Vulnerable Sectors and Local Public Administration 2008-2010 in Romania" were incorporated in the new National Anticorruption Strategy 2012-2015.

70. The new NAS 2012-2015 was approved by the Government on 20 March 2012<sup>17</sup>.

71. NAS ensures the implementation of the relevant CVM recommendations set forth by the European Commission and includes the areas identified as EU level priorities in the Commission's Anticorruption Communication (launched in June 2011): recovering the proceeds of crimes, protection of the whistleblowers, public procurement, prevention and fight against corruption in the political sector, protection of the EU financial interests; prepares the fourth GRECO evaluation round concerning the prevention of corruption among Members of the Parliament, judges and prosecutors.

72. The new Government assumed the Strategy on 23 May 2012. On 12 June 2012, the Parliament (in a joint session of the two chambers) unanimously endorsed NAS by political declaration and the implementation of the Strategy has been initiated.<sup>18</sup>

73. With regard to Romania's legal reform under the Cooperation and Verification Mechanism (see **recommendation 23**), the following is to be mentioned:

Main progress aspects achieved under the Cooperation and Verification Mechanism have been registered within the referred period and have been reported within the most recent Annual Report of the European Commission (published on 18th of July 2012). The main progress fields of the Romanian judicial system were the following: a substantial modernization of the main legislation – the ambitious

legislative agenda regarding the four new codes (Civil, Civil Procedural, Criminal, Criminal procedural Code); the solid new framework described by the new National Anti-corruption Strategy; commitment in fighting against corruption (successful investigation, prosecution and trial the high level corruption cases).

## **1. Benchmark 1 – Reform of the judiciary**

### *Implementation of the four new codes*

74. Law no. 202/2010 (“small reform law”) introduced a series of measures to simplify and render efficient the judicial provisions, anticipating the entry into force of the procedural codes. This law basically collected the most simple but efficient rules of the new procedural codes and provided the framework for their anticipated entering into force (the criterion was to select those provisions that did not require supplementary preparation, be it administrative or training, but could trigger an immediate effect). As regards its effects, the reactions were positive, both from courts and prosecutors’ offices<sup>19</sup>.

75. The four new codes have been elaborated, debated in the Parliament and adopted (in 2009 and 2010) – they will change the whole paradigm of functioning of the Romanian justice. The substantive codes (Civil and Criminal) bring a series of important changes in substantive rules governing civil relations and criminal matters, while the procedural codes aim at making more efficient the procedures, thus responding to the need to shorten the duration of the trials and to introduce flexibility, predictability, transparency and consistency in the judicial process.

76. The new Civil Code entered into force, without difficulty or drawbacks, in October 2011.

77. On the basis of the impact studies finalized in November 2011, the entry into force of the other three Codes will follow in the next period: Civil Procedure Code – 1<sup>st</sup> February 2013; Criminal Code and Criminal Procedure Code – 1<sup>st</sup> February 2014. The entry into force of the new Civil Procedure Code will continue the judicial reform initiated by Law no. 202/2010. As a novelty, the new Code explicitly stipulates the fundamental principles of civil procedure, established, so far, only by the doctrine and the jurisprudence.

78. With regard to the strengthening the accountability of magistrates, a new law for strengthening the disciplinary responsibility of the judiciary entered into force on 23 January 2012<sup>20</sup>.

79. As for improving the transparency and objectivity of the procedure for promotion to the High Court of Cassation and Justice (HCCJ), the law on promotion to the HCCJ is already in force following the adoption by the Parliament in December 2011<sup>21</sup>. The law aims at securing the transparency and objectivity of the process of promotion to the HCCJ, with the aim of ensuring that the most suitable candidates get to occupy the positions in the Supreme Court.<sup>22</sup>

## **2. Benchmark 2 – National Integrity Agency (ANI)**

### *Establishment of the institution and its main objectives*

80. According to the requirement deriving from this benchmark, Romania established a National Integrity Agency which has been operational since the end of 2007. Romania was the first European country to create such an independent, operational institution, competent to control and verify the wealth, conflicts of interest and incompatibilities. As to the strengthening the institutional capacity of ANI, it has received a significant increase in its budget and attracted substantial EU funds to improve its information system and procedures. ANI’s track record was constantly consolidated over the four years of activity

and it has been appreciated in a very positive manner in the Commission's reports since 2009<sup>23</sup>. Thus, six successive Commission reports acknowledged the positive results in the activity of the Agency. ANI presently continues to deliver positive results in its activity. In June 2012, there were 3.305 on-going investigations carried out by ANI.

81. On 21 December 2011, the Superior Council of Magistracy (SCM) and ANI signed a protocol of collaboration in order to increase public confidence in judiciary, for strengthening SCM credibility and for increasing the efficiency of the courts and of the prosecutors' offices.<sup>24</sup>

### **3. Benchmark 3 - Fight against high-level corruption**

#### *Role of the National Anticorruption Directorate (NAD) and its main objectives*

82. The National Anticorruption Directorate is a specialized, independent structure, functioning within the General Prosecutors' Office, which investigates high level corruption cases. The NAD is independent from courts and prosecutor's offices attached thereof, as well as in relation with the other public authorities, exercising its attributions only on the basis of the law and for ensuring the compliance with the law.

83. In time, several procedural aspects have been improved in order to increase the efficiency of the trials in high-level corruption cases (e.g. several provisions were repealed, such as the de jure suspension of trials when objections of unconstitutionality were raised and the possibility to suspend the criminal trial by raising the illegality exception). These amendments helped improving the efficiency in high-level corruption trials. As a consequence, none of the high-level corruption cases pending before the Criminal Section of the HCCJ was suspended on these grounds ever since.

84. Furthermore, in order to accelerate the high-level corruption cases, the High Court of Cassation and Justice (HCCJ) has taken a number of managerial and administrative measures to improve the celerity of high-level corruption trials. These measures included the prioritization of cases closer to statute-barred periods and the temporary use of spare court rooms in other courts to allow for more frequent hearings. An additional building was allocated to the High Court in November 2011. As a result of the organizational measures taken, between 5 September 2011 and 11 June 2012 there were established 355 hearings in high level corruption cases tried in first instance by the Criminal Chamber of the HCCJ, in which NAD issued the indictment. These measures led to a significant acceleration of the cases which were pending at the High Court and also resulted in an increased number of verdicts. Thus, concerning recent statistics, in 2011, the Criminal Chamber of HCCJ solved in first instance 15 high-level corruption cases, in comparison with 2 such cases in 2009, respectively with 2 such cases in 2010. Between 1 January 2012 and 11 June 2012, the Criminal Chamber solved in first instance 14 high-level corruption cases. In 2011, the HCCJ delivered 9 final decisions in high-level corruption cases. Between 1 January 2012 and 11 June 2012, the HCCJ rendered 6 final decisions in high-level corruption cases.

### **4. Benchmark 4 – Prevention and fight against local-level corruption and corruption in vulnerable sectors:**

#### *Activity of prosecutor's offices countrywide*

85. In terms of concrete results, statistics from local prosecutor's offices show that the number of defendants prosecuted for corruption offences by the prosecutor's offices attached to tribunals in 2011 increased by 13.47% as compared to 2010. 162 of the defendants were public officials, mainly police officers (105), mayors (7) and employees in the local administration (34). Furthermore, 28 final convictions and 55 non final convictions were issued in the corruption cases investigated by regular prosecutor's offices.

The total value of assets frozen by all the prosecutor's offices for all types of crimes in 2011 was 1,024,979,707 RON.

*Activities conducted by the Ministry of Administration and Interior (MAI)*

86. The activities concerning the prevention and fight against corruption within the MAI continued. The Anticorruption General Directorate (DGA) co-ordinates and monitors the „Strategy for preventing and countering corruption within MAI for 2011–2013”, a document which establishes the coordinates of the anticorruption activities conducted within the ministry in order to increase integrity of MAI personnel.

87. DGA has a substantial track record, which has been positively assessed in the CVM reports of the European Commission<sup>25</sup>. The February interim report notes that DGA has taken steps to consolidate its work to tackle corruption.<sup>26</sup>

#### **D. Freedom of conscience and religion**

88. Regarding problems of religious intolerance and interreligious dialogue (**recommendations 19–21**), the State Secretariat of Religious Affairs organized numerous national and international manifestations which aimed at promoting inter-religious and inter-confessional dialogue, the defense of freedom and fundamental rights; this institution supported and continues to support, also financially, the manifestations organized by the religious cults of our country, meetings and conferences whose topic is the dialogical dimension of religion. Among the events we can mention the dialogue between Christians and Jews organized in Iași, the assemblies organized annually in Constanța between representatives of the Orthodox Church, the Catholic Church, the Mosaic Cult and the Muslim Cult, conferences and meetings organized by Romanian theological faculties which are attended by theologians and representatives of all the cults of Romania.

89. With the aim of advising on the matters of mutual issues of society, the promotion of solidarity and cooperation between different cults from Romania, but also for the prevention of inter-religious and inter-denominational conflicts, the cults of Romania constituted in April 2011 an Advisory Council of the Churches and Religious Denominations.<sup>27</sup>

90. Also, in the activity of solving the complaints addressed to the National Council for Combating Discrimination, the Steering Board, through its decisions, applies contravention sanctions by warnings or fines, and provide recommendations to prevent future acts of discrimination or the re-establishment of the situation prior to the discrimination.<sup>28</sup>

#### **E. Children's rights**

91. As concerns **recommendations 14–17**, regarding the respect for each child's right to identity, the national legislation states clearly obligations and attributions for each local authority as well as procedures to be followed in case of a child is not registered immediately after birth.<sup>29</sup>

92. For the registration of Romanian citizens of Roma minority, the public community local services for person's record acted either on the basis of projects approved at county level, or by implementing PHARE projects, of which we give some examples: the Alba county implemented the project "I have documents, therefore I exist", providing assistance for the Romanian citizens from the Roma ethnic community in order to their legal registration; county and local authorities from the Bacau county in cooperation with Onesti subsidiary of the NGO Roma Party - Pro Europe took some measures for counseling regarding the need and legal obligation to obtain and keep the civil status certificates and the identity documents. Also they were involved in the project called "And we integrate" to

improve the situation of Roma persons; In the county of Brasov a Partnership Agreement between the Braşov Association for Community Partnership and the Directorate for Persons Record of Brasov county was signed, in order to implement the project "I am a citizen, I have rights", with the financial support of Open Society Institute – Budapest; the project "Kon Shem Me", Ruhama in partnership with Social Administration from Council of Oradea, facilitated obtaining civil status, property and identity documents for the Roma persons; in the county of Galati was carried out the project "They also are citizens of Galati County", financed by European funds, in partnership with the Galati Roma Alliance.

93. In order to facilitate Romanian citizens of Roma minority to obtain documents, public community services for person's records together with police authorities organized campaigns with mobile station to take over the pictures and all documents necessary for issuance of identity documents.

94. Regarding children's right in the area of education, there are some categories of students who encounter difficulties in exercising their right to quality education: children from remote rural areas, children coming from poor families and economically disadvantaged areas, Roma children, children with special educational needs:

- Children in remote areas - the distance to school and the bad road infrastructure might make transport to school difficult, especially during winter. For these situations, the Ministry for Education, Research, Youth and Sports (MERYS) offered school buses, providing free of charge transportation to school. Where this is not possible, children are offered boarding in school facilities in other localities.
- Children from very poor and remote areas - some schools encounter difficulties in finding qualified teachers and the turnover of the teaching staff is important. There has been a restructuring of the school network, through the development of strong schools, with good infrastructure and qualified teachers, which gather children from several smaller communities. In these cases, school buses have been provided.
- Many Roma children – who come from very poor families with a low level of education and usually with many children. These children often help their parents in the household, take care of their younger brothers or accompany their parents in season work, thus being absent from school. Because of their poor economic and social status, and, in some cases, also because of traditions related to the early marriages, they often drop out of school or do not continue their studies after 8<sup>th</sup> grade.<sup>30</sup>

95. As for primary education, the program has as target group young people who have not finished primary education and are at least 4 years older than the normal age for this level of education.<sup>31</sup>

96. With regard to lower secondary education, the *Second Chance* has as main objective to support a flexible model of school re-integration for lower secondary education which will combine basic education and vocational training and is targeting young people who are at least 14 years old, who have completed primary education, but have dropped out before finishing lower secondary education.

97. Subjects related to Roma culture are present in the new designed curriculum for the *Second Chance* programs and in the extension of the Second Chance program. The most recent data (2011–2012) collected at national level confirm the efficiency of the program considering the number of students who have been attending these courses (10,032 students) and the number of schools which have organized this program courses (332 schools). The disaggregated data are as following: primary education – 3,232 students; lower secondary education – 5,671 students.

- Children with special educational needs are enrolled either in special schools or in main schools, according to their type and level of disability. Children included in mainstream schools are supported by itinerant teachers.<sup>32</sup>

98. The Ministry of Education, Research, Youth and Sports took action to diminish the school dropout rate and to enhance students' schooling participation rate by means of the social and protection support programmes.<sup>33</sup>

99. Regarding the respect for children rights in the context of the activity of Romanian Gendarmerie, it has to be mentioned that this institution develops several programs and measures aiming to limit the violence and abuses in domestic, social, educational and institutional environment, as well as certain projects aimed to enhance the level of knowledge and the applying of children rights, and the degree of training of its personnel for a better approach of the respective rights violation.

100. As for **recommendation 15**, taking into consideration the particular aspects met in the case of Romania, the measures adopted in order to prevent and combat child prostitution were considered as part of the whole legal framework concerning the protection and promotion of children rights.<sup>34</sup>

101. Between the main national authorities at central and local level cooperation mechanisms were established which allowed the approval of all necessary legal, administrative and educative measures meant to ensure an adequate protection of children against any form of trafficking, including their own parents as well.<sup>35</sup>

102. The 2007 *Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse* was ratified by Romania by Law no. 252 from 14<sup>th</sup> of December 2010, published in the Romanian Official Journal no. 885 of 29 December 2010. Furthermore, *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA* was adopted. Romania participated in the negotiation process of the latter Directive, now being in the phase of transposing its provisions. The deadline for the transposition into domestic legislation is 18 December 2013.

103. Government Decision no. 49/2010 approved a common methodology for the intervention in cases of children exploited or being at risk of being exploited through labour, children victims of trafficking in human beings and Romanian migrant children victims of other forms of violence found on the territory of other states.<sup>36</sup>

104. With regard to **recommendation 16**, since 2004, Law no. 272/2004 concerning the protection and promotion of children rights specifically states in Article 90 that all physical punishment no matter which form is forbidden as well as any deprivation of the child of his/her rights which are meant to endanger his/her life, mental, spiritual, moral or social development, as well as his/her body integrity, physical or psychical health of the child within the family environment and in any institution which ensures their protection, care or education.<sup>37</sup>

105. As for **recommendation 17**, the provisions of the Convention on the Rights of the Child and the ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour are translated within the Romanian national legislation, which has clear provisions regarding how the children rights should be promoted by all authorities, persons and institutions as well as how to protect a child against worst forms of labour.

106. In the same time, at national level significant campaigns that had as the main target group children between 15 and 17 years old (with a special attention to the girls), with a



low level of education, from families with different problems (domestic violence, alcoholism, poverty) or from families with parents working abroad were developed at national level.<sup>38</sup>

107. The most relevant successes of the campaign were the reduction of school dropout, the consolidation of a joined team anti-drug/anti-trafficking addressing in more efficient manner the respective social phenomena and the emphasis at the institutional level of the importance of the continuity of the staff involved in dealing with specific social problems.<sup>39</sup>

## F. Women's rights

108. Regarding the prevention and elimination of domestic violence against women (**recommendation 13**), Law no. 217/2003 on preventing and combating domestic violence has been recently substantially amended by Law no. 25/2012. One of the most important improvements of the law is the introduction of the restriction order, which is a measure of protection for the victim of domestic violence that can be issued by the court. Another specific measure of protection provided by the new law aims to improve the efficiency of authorities to support and advise victims in order to resort to legal means for sanctioning domestic violence cases.

109. Besides the legal improvements, a number of programs with national coverage were dedicated to this field of activity, based on a financing offered from the state budget by the Ministry of Labour, Family and Social Protection.

110. Also, in December 2009, a group of 12 EU Member States among which Romania, presented a proposal for a Directive of the European Parliament and the Council on the European protection order. The proposal was adopted in 2011 (Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order).

111. During the year 2010, at national level 36 informal campaigns were conducted, 19 domestic violence prevention projects and also about 37.000 persons received preventive information. In conducting the activities, external partners have been involved as well.<sup>40</sup>

## G. Rights of persons with disabilities

112. On this issue and given also **recommendation 6**, Romania underlines that during 2011 the National Council for Combating Discrimination, in partnership with the Institute for Public Policy, a nongovernmental organization whose aim is to support an increased quality of the processes related to the development of public policies in Romania, carried out the project "*People with intellectual disabilities do have rights!*". The project was co-financed by the European Commission PROGRESS Program (2007-2013).<sup>41</sup>

113. Also, NCCD developed the following programs: „*World Down Syndrome Day*” - the events dedicated to this day took place for two days in 2011 in a project coordinated by the NCCD together with Down's Syndrome Association Bucharest and Special Olympics Foundation from Romania; "*Training specialists from the Departments of adoption and post adoption regarding the non-discrimination of children difficult to adopt*"- the project was conducted by NCCD in partnership with Romanian Office for Adoptions, in order to increase the number of adoptions for children in the category of "hardly adoptable" by preventing discriminatory attitudes against them; "*Braille – Pay attention! Discrimination is not a joke*" - the Braille Transcription of a booklet about discrimination was made for its distribution under the library practice to the Association of the Blind in Romania

subsidiaries, branches and clubs, as well as in some special schools for visually impaired people.

## H. Right to health

114. Regarding progress on mental health issues (**recommendation 26**), in order to ensure more adequate provision of mental health care, the Ministry of Health revised its policy and created in 2008 the National Centre of Mental Health and Anti-Drug, the specialised public institution, subordinated to the MOH, having as aim a better coordination, implementation and evaluation of the mental health policies at the national level, including the promotion of human rights for people with mental health problems.

115. In the last years, there were significant steps made in improving the legislation in mental health care. The MOH and NCMHAD in close collaboration with the Ministry of Justice have accomplished to set up a proposal containing several amendments to the Law no. 487/2002 on Mental Health in the early 2010. This draft was recently voted by the Parliament (on 19 June 2012).<sup>42</sup>

116. In 2010, the Parliament voted Law no. 151/2010 concerning the integrative, specialised health, education and social services for persons with autistic spectrum disorders and associated mental health disorders.

117. There is an annual National Programme of Mental Health running, coordinated methodologically by the Psychiatry Commission of the Ministry of Health and technically by the National Centre of Mental Health and Anti-Drug.

118. The last years were marked by an intensive dialogue with the NGOs. A major priority outlined by the associations of parents with children diagnosed with Autistic Spectrum Disorders was identified as being the early detection and therapeutic interventions for the affected children.<sup>43</sup>

119. The National Mental Health Centre and Anti-Drug in collaboration with the Ministry of Labour, Family and Social Protection and the Ministry of Education, Research, Youth and Sport have already elaborated a draft of the National Strategy for Children and Adolescents Mental Health 2013-2018, which was sent at the level of the Government.

120. Ensuring a higher quality of the mental health services represented also a concern in the last 3 years by organising several courses and training programs for the staff (the multidisciplinary teams) working in the 36 Mental Health Centres for adults and 16 Mental Health Centres for children all over the country (psychiatrists, psychologists, social workers, nurses).

121. With regard to **recommendation 27**, it is to be noted that the National Health Programs implemented by the Ministry of Health have constantly provided for an increased access to services of sexual and reproduction health, especially for marginalized groups.

122. As concerns **recommendation 28**, the Roma Health Mediators and the Community Nurses are mainly tasked to facilitate access of Roma people and other marginal populations (e.g. from rural zones) to health care services. They receive adequate training, which prepares them for responding to the specificities of their job.

## I. Right to own property

123. Regarding the right to own property and given also **recommendation 30**, it is to be noted that Romania is currently in the process of modifying the legal frame on the restitution of properties nationalized during the communist period in order to comply with

the requirements set out by the European Court of Human Rights in its pilot judgment of 12 October 2010 in this matter, *Maria Atanasiu and others v. Romania*. In this judgment, the ECHR requested the adoption, by 12 July 2012, of general measures capable of affording adequate redress to all the persons affected by the restitution laws. A supplementary deadline of 9 months (until 12 April 2013) was given by the Strasbourg Court for the adoption of the said measures, during which Romanian authorities will present the progress made. Until April 2013, all applications pending before the ECHR having the same object as *Maria Atanasiu and others v. Romania* case are suspended.

124. On 5 July 2012, representatives of the Council of Europe (Department for the Execution of ECHR's Judgments) met with the representatives of the Ministry of Justice, the Ministry of Public Finances, the National Authority for the Restitution of Properties (NARP) and the Governmental Agent before the ECHR and discussed the concrete necessary measures to be adopted by the Romanian authorities in order to ensure the effective protection of the rights guaranteed by the European Convention of Human Rights. In this context, discussions were held concerning the administrative, financial and legislative measures proposed by the Romanian Government within the draft law elaborated in view of enforcing the aforementioned pilot judgment and rendering the restitution and compensation process more effective. The draft law contains specific measures aimed at accelerating the restitution process, in order to ensure the solution within a reasonable time of the demands submitted at national level by the former owners, in conformity with the dispositions of the European Convention of Human Rights.<sup>44</sup>

125. Regarding the relationship with the Romanian Church United with Rome, Greek-Catholic, the State Secretariat for Religious Denominations is using the path of dialogue to resolve the property dispute between the Romanian Orthodox Church and the Romanian Church United with Rome, Greek-Catholic. In order to maintain the confessional harmony and abundance of the religious rights and freedoms for every citizen, the State Secretary for Religious Affairs participated at meetings, on the ground, with the Holy hierarchs of the Orthodox and Greek-Catholics and at the meetings of the Conference of Bishops.<sup>45</sup>

126. Currently, the two Churches analyse the possibility of the resumption of dialogue on the Joint Commission for Dialogue; in this regard, an exchange of letters between leaders of the two Churches took place. At the last session of the Holy Synod of the Romanian Orthodox Church of 5 July 2012, the current stage of the local dialogue between Romanian Orthodox Church and the Romanian Church United with Rome (Greek-Catholic) was analysed.

127. It is also worth mentioning that the National Authority for the Restitution of Properties established a calendar of meetings aimed at ensuring a dialogue with the representatives of all religious cults that have submitted request that are pending before this institution.<sup>46</sup>

## J. Human rights education and training

128. With regard to this issue and given also **recommendation 29**, in Romania, human rights education is fostered both in formal and non-formal education. As far as formal education comes into question, human rights education is part of the national curriculum, being included in the curricular area generically called "Man and Society".<sup>47</sup>

129. In parallel, human rights education and child's rights education are studied as optional subjects, part of School Based Curriculum, ranging from the 1<sup>st</sup> to 12<sup>th</sup> grades.<sup>48</sup>

130. Grounded in formal educational system, human rights education and child's rights education are enhanced through non-formal educational programs, adapted to each studying cycle. In this respect, the Ministry of Education, Research, Youth and Sports:

- has involved schools, teachers and students in European projects specialized in human rights education/child's rights education/ civic education, such as: *Global Education, Global Teenager, Europe at school*;
- has developed national programs, such as: *The National Program of Education for Democratic Citizenship, Media and a high quality human rights education, Democracy and Tolerance* – that aim to develop students' social and civic democratic skills necessary to youth's active participation to social life, to make students acknowledge and respect human rights, to develop a tolerant conduct stimulating mutual respect, understanding and cooperation, to accomplish social integration, to enable and support children's and youth' access to community actions and decisions with the view of promoting their rights, the democratic state laws and institutions, to make students undertake civic roles and responsibilities;<sup>49</sup>
- has concluded partnerships with NGOs, Council of Europe structures in Romania, UN Agencies in Romania and implemented programs based on human rights education and child's rights education<sup>50</sup>;
- has stimulated the development of such programs at county and school level.

131. Regarding teachers' training on human rights education and child's rights education, it has been developed in an extensive manner by means of the in - service training, through:

- the training offers proposed by Teacher Training Houses (institutions specialized in training delivery and responsible with teachers' in- service training)<sup>51</sup> and
- the training modules/ sessions included in the extracurricular programs prior to their stage of implementation.<sup>52</sup>

132. At the initiative of the aforementioned NGO Romani CRISS Association, in September 2010 was submitted a project proposal under the European Commission Grant Action Program - JLS/2010/JPEN/AG "Criminal Justice", in partnership with NIM. The Project "*Equal access to justice for Roma*" aims to train magistrates in national and international legislation on combating racism in criminal matters. In December 2011, the first seminar, attended by 18 magistrates, took place in Timisoara. Under the Project "*Equal access to justice for Roma*", implemented by the Romani CRISS Association in partnership with NIM in the period May 2011–August 2012, a number of three seminars were organized in 2012, until July, attended by 71 magistrates.

#### Notes

<sup>1</sup> The purpose of this Strategy is to continue the social-economic inclusion actions of Romanian citizens belonging to Roma minority by implementing integrated policies in education, employment, health, housing, culture and social infrastructure.

Its objectives are as follows:

- Ensuring an equal, free and universal access of the Roma citizens belonging to Roma minority to quality education at all levels in the public education system, in order to support the economic growth and development of a knowledge-based society.
- Promoting inclusive education within the education system.
- Stimulating employment growth of persons belonging to Roma minority and increasing investments' attractiveness.
- Stimulating health promotion measures to contribute to increasing the access of citizens belonging to Roma minority to public health services and to increasing life expectancy.
- Ensuring, by the central, local institutions and the social partners, decent living conditions in communities disadvantaged from the economic and social point of view, as well as the access to public services and small infrastructure.

- Preserving, developing and affirming the cultural identity (language, customs, patrimony) of Roma minority.
- Developing, by the institutions, certain measures that, through the services provided, respond to the social needs of disadvantaged groups, including the members of Roma minority in the fields of community development, child protection, justice and public order.

In order to achieve these objectives, six directions of action were established: A. Education; B. Employment; C. Health; D. Housing and small infrastructure; E. Culture; F. Social Infrastructure (justice and public order, community administration and development, child protection).

<sup>2</sup> In 2011, the Romanian National Agency for Roma participated in Moldova, in cooperation with the Council of Europe, in an exchange of experience on increasing the role of central and local authorities in implementing national strategies on Roma integration/action plans, also on strengthening their capacity in developing the national action plan in Moldova.

<sup>3</sup> The aim of the project is to promote and to increase the cultural dialogue between the Roma minority and the majority, to promote the ethnical tolerance and the mutual respect, the modernization of attitudes and of mentalities throughout the theatre.

<sup>4</sup> The program aims to build rental housing units for young people whose sources of income do not allow them to buy and own a house or rent a house under the market conditions, and to ensure the stability of young professionals by creating convenient living conditions. The objectives achieved under these programs have also solved the problems faced by several Roma communities or representatives of such communities.

<sup>5</sup> Examples of relevant projects:

In **2010**, "*Treatment without discrimination*", within which were organized 3 information and training sessions for future medical personnel (nurses and pharmacy assistants) on the importance of applying the non-discrimination principle and respect for diversity. "*Combating the discrimination of Roma in their access to health services in Romania*", was a project aimed to promote equality in the field of health in order to reduce prejudices, stereotypes and discriminatory attitudes on ethnic grounds in the system of health, focusing on the protection of the rights of Roma who access public health services. "*Stop discrimination in high-schools!*", another project, involved the organization of an information campaign with pupils in lasi high schools about social policies to prevent and combat discrimination. "*School without discrimination*", conducted in order to increase interest of teachers for the issue of diversity, support them in developing curricula in the context of diversity, prevent stereotypes and prejudices among the future generation, prevent intolerant and discriminatory attitudes among young people, know the daily issues of groups vulnerable to discrimination, reduce the level of intolerance and discrimination in schools and implement a network of teachers in kindergartens and high schools to promote pro-diversity attitudes among young people. "*Educational project in the field of public legal services*" was a project aimed at promoting equality in the field of legal and administrative services, through an educational program regarding specific legislation in the field of anti-discrimination, having as target-group institutions with powers in the legal field, which has as target group magistrates from all levels of jurisdiction (courts, tribunals, courts of appeal, the supreme court). "*Training session in the field of legislation and anti-discrimination practice*", a project organized by NCCD in partnership with the Roma Party "Pro Europa" consisting in a seminar for Roma persons with legal training, which are active within the Monitoring Network within County Centres for Roma established by the Roma Party Pro Europa in Romania. The training sessions were aimed at informing Roma persons with legal training on national and international legal provisions in the field of prevention and combating of discrimination.

In **2011**, NCCD implemented projects such as: "*Diversity as a project*", in order to prevent truancy and school dropouts, by initiating projects which enhance and bring to the forefront the human diversity; "*United against Racism! – Friendly football game*", organized to mark The International Day for the Elimination of Racial Discrimination, by NCCD in partnership with the Ministry of Foreign Affairs, Policy Centre for Roma and Minorities, the Romanian Football Federation and the Embassy of the Netherlands. The project was part of the REACT campaign, supported by the European Commission, and its objective was to enhance the awareness of the social problems of Roma people and to change the negative attitudes towards them; "*The world through my eyes*", a project that was implemented with a main partner, Policy Centre for Roma and Minorities and which was aimed at preventing and decreasing of discrimination level against Roma pupils and to generate a positive change of perception of Roma pupils among teachers in some schools.

- <sup>6</sup> Training activities for police officers were organised regarding the subject of recognition and monitoring of hate crimes against LGBT, introduction in the problematic of LGBT, discrimination based on sexual orientation and/or gender, discrimination and victims' needs (focus on the respect of individuals' rights).  
In terms of protecting the rights of sexual minorities, the Romanian Gendarmerie applies measures which aim to deter and limit violence against sexual minorities, and to provide their necessary protection during Gay Fest rallies.  
In this context, Romanian Gendarmerie developed the training curriculum of its personnel in order to better respond to a more appropriate behaviour in respect to the rights of sexual minorities, both on the national soil and in international operations, by inserting related courses/themes in its training centres and operational unit syllabus.
- <sup>7</sup> The Directorate of Equal Opportunities between women and men within the Ministry of Labour, Family and Social Protection (MLFSP) is partner with Media One Agency in the structural fund financed project "The Chance". Caravans called "The Week of equal opportunities" were organized in all development regions, focused on combating all forms of gender discrimination concentrating on reconciliation of family and professional life. In 2011, the Directorate of Equal Opportunities between women and men conducted an analysis on the situation of women and men in decision-making positions for public administration.
- <sup>8</sup> As a result of this cooperation, training courses have been organised, jointly with the Danish Institute for Human Rights, during which were discussed issues related to identification and tackling hate crimes against the LGBT members. The courses were attended by officers from police stations in whose area or areas of competence are locations visited by members of the LGBT community. The police staff training in the field of prevention and countering discrimination against sexual minorities and hate crimes against LGBT community's members shall continue to remain a priority of the Romanian Police, in order to insure a viable partnership between the police institution and sexual minorities. Both prior to and during the organisation of the events involving members from the LGBT community in Romania, the GDBMP undertakes security measures to ensure the proper running of such events and to prevent the emergence of any risk factors oriented towards the participants, all these actions being taken in cooperation with the event's organizers.  
As an example, on 4 June 2011, approximately 150 persons participated in the annual "March of Diversity" gay pride parade in Bucharest. Local authorities mobilized numerous police to protect the participants, and the parade ended without violent incidents, as it was the case for the last 4 years. In 2009, the National Council for Combating Discrimination was the official partner at the GayFest. This event enjoyed the presence of several ambassadors in Romania in the last years and the involvement of public persons and artists in promoting the event.
- <sup>9</sup> Volume I of the manual details how to use the techniques and means of restraint by the staff of the place of detention, the legal conditions shown above. Knowing the provisions of this manual is compulsory to all the staff of the prison administration.
- <sup>10</sup> The Ministry of Justice (through the Probation Direction and the National Administration of Penitentiaries) supported the implementation of two trans-national projects coordinated at national level by the NGO Save the Children Romania. In the framework of "JUST – Juvenile justice" project (2009 – 2011), 13 children deprived of their freedom and 35 representatives of the institutions and organizations active in the field of juvenile justice were consulted on methods of intervention aimed at preventing the juvenile delinquency and promoting the social insertion of juvenile offenders, 46 specialists working with children in conflict with the law were trained for the further implementation of the selected methods of intervention. In the framework of "Ending violence against children in custody" project (2010–2013), the National Administration of Penitentiaries supported the consultation of 27 children and youth in detention on their experience of violence while in custody. *Prevention of Torture and Inhuman or Degrading Treatment or Punishment* course is specially designed for custody, public order and judicial police officers who, giving their work duties, deal with persons deprived of liberty. One of the outcomes expected from the participants to the training program is to have good knowledge of the legal framework on human rights under all its forms and all the amendments made to it in compliance with the EU and UN norms, namely observance of the fundamental rights of the persons deprived of liberty, fair interaction between parties and prevention of torture, bad and degrading treatments. This training program was attended by 120 police officers. The forms of maltreatment of people by state agents are found in the Criminal Code under different

terms: *abusive behaviour* (Article 250), *unlawful arrest and abusive investigation* (Article 266), *imposition of bad treatments* (Article 267) and *torture* (Article 267<sup>1</sup>).

- <sup>11</sup> In 2011, the NAP has implemented this measure in Codlea, Colibasi penitentiary and Miercurea Ciuc. For the year 2012, this process remained to be completed by including the last two prisons: Poarta Alba and Tulcea in the profiled units category (the two units have been started profiling procedures by transferring certain categories of convicted persons in accordance with the arrangements and populating space allocated).
- <sup>12</sup> Unfortunately, the penitentiary system is facing the phenomenon of overcrowding, as it recorded a deficit of approximately 5,600 accommodations in prisons. In the event 4m<sup>2</sup>/inmate is provided no matter the prison regime, the deficit climbs to over 13,400 seats.
- <sup>13</sup> In 14 centres of detention and arrest, good living conditions are provided, fulfilling most of the recommended European standards in this area (minimum of 4m<sup>2</sup>/person, adequate natural and artificial light allowing reading). Also, in 22 centres, detention rooms are equipped with bathrooms (shower, sink and toilet), detainees having unlimited access to them, in order to ensure privacy and dignity. In other centres, detainees are using common lavatory according to the daily schedule or on demand. Romanian Police is working to install bathrooms in all detention rooms of detention centres under its control. In order to ensure the right to information and as well for entertainment, the administrations of some detention and preventive arrest centres have created the technical possibility to have TV sets in each detention room.
- <sup>14</sup> The Romanian Police continues to apply and implement the professional training program for the officers who activate in the field of human trafficking, in order to prepare specialists, constantly, by organizing professional training sessions at the national and international level, with the participation of NGOs and governmental agencies. The victims of human trafficking gradually benefit of protection in the conditions established by the legal frame regarding the witness protection.
- <sup>15</sup> The practice of this approach has shown that this initiative has helped to increase the participation of victim, witnesses or injured parties in criminal proceedings, by facilitating their access to justice and to increase the resolution of cases that aim condemnation of the accused of the crime of human trafficking. In order to increase the self-protection capacity of the public and in this way to reduce the amplitude of the human trafficking phenomenon, NAATIP has implemented, between 2010–2012, 12 national campaigns and more than 50 regional and local campaigns. The activities were targeted at informing and raising awareness of the public about the risks involved by human trafficking and to reduce the vulnerability of high risk groups (children, women, elderly people etc.). For ensuring the efficiency measures undertaken, NAATIP always worked with partners in the country and abroad. Prevention campaigns were made with broad vision, thus ensuring the sending of an anti-traffic message to a significant number of people. An example is the campaign "Trafficking in human beings not forgive", held within the project "Reducing the number of Romanian and Bulgarian victims trafficked to Italy and Spain", co-funded by the European Commission. This campaign registered a number of about 380,000 beneficiaries only in Romania, the project being implemented also in Bulgaria, Italy and Spain.
- <sup>16</sup> Romania also participated in the negotiation process of this EU legislative act and its provisions are already covered by the national legislation in the field.
- <sup>17</sup> Government Decision no. 215/2012, published in the Official Journal no. 202/2012. The new strategic document is built on the premise of a well-developed legislative and institutional framework. The accent is therefore placed on the implementation and the stability of the legislative and anticorruption institutional framework.
- <sup>18</sup> The specialized structure in the field (the Anti-corruption General Directorate), that was set up within the Ministry of Administration and Interior (MAI), was involved in the public policies initiated at MAI level, in 2010 and 2011. Also, Law no. 146 of 23 July 2012 provides that the aforementioned Anti-corruption General Directorate manages the Anti-corruption Call-center, where the citizens can report on corruption deeds, the calls being transmitted to the competent Prosecutor's Offices, according to the law.
- <sup>19</sup> According to the opinions of courts and prosecutor's offices reflected in the Report concerning the justice system for 2010 and respectively 2011, drawn up by the SCM.
- <sup>20</sup> Some of the provisions of the new law entered into force on 25 May 2012. The main new provisions grant the autonomy of the Judicial Inspection; the Inspection shall have legal personality and its own budget. According to the new provisions, the disciplinary commissions are replaced by the judicial

inspectors and in the matter of disciplinary complaints the preliminary verifications are mandatory. This law amends the scheme of disciplinary offences, increases sanctions, and strengthens the independence and the operational capacity of the Judicial Inspection. It also eliminates the possibility of magistrates escaping disciplinary sanctions through retirement whilst a disciplinary process is on-going.

<sup>21</sup> Law no. 300/2011.

<sup>22</sup> With regard to budget, infrastructure and logistics, the budgets allocated for the judiciary increased significantly and constantly until 2009, when the economic crises affected all the sectors. Nevertheless, the Government had a priority to provide money for the judiciary and this reality can be substantiated with concrete figures: **1,972,193 thousands lei in 2007 to 2,119,886 thousands lei in 2012**. The most significant increase was in **2008** in comparison with the budget from **2007**, when an **increase of over 15%** was registered. Additionally, in the past 5 years following the accession, the justice system absorbed a significant amount of assistance funds, which had a strong contribution to the institutional building, training and the logistics of the judiciary. Presently, the automation process of the judiciary is in an advanced stage, and it has been constantly modernized and updated since its initial implementation.

<sup>23</sup> Commission's evaluations of July 2009, March 2010, July 2010, February 2011, July 2011 and February 2012.

<sup>24</sup> The parties shall collaborate in order to improve the legal framework in the matter of wealth declarations and evaluations, shall efficiently communicate and exchange information according to the legal provisions in order to contribute to increase public trust in magistrates' independency, impartiality and professionalism.

In 2012, the new legal framework instituted by Law no. 24/2012 has introduced new mechanisms for increasing magistrates' accountability and public trust, such as: the criterion of good reputation for admission into magistracy; enlarging the list of disciplinary offences; defining bad faith as an element of the disciplinary offence; enhancing disciplinary sanctions.

<sup>25</sup> Commission's evaluations of **July 2010 and July 2011**.

<sup>26</sup> In terms of the impact of the measures taken for preventing and countering corruption, in 2011, at MAI level, the legal framework on professional integrity testing was created (Art. 17<sup>1</sup> of G.E.O. no. 30/2007 on organizing and functioning of MAI, as modified by Law no. 38/2011). After this legal act came into force, in 2011, 7 integrity tests were performed, out of which 6 were positive (the tested MAI employees proved integrity) and 1 was negative (the tested MAI employee received bribe in exchange of not accomplishing his service duties; the Prosecutor's Office was notified on it for further legal measures). The risk management activity was initiated in November 2009, following the approval of the Methodology for the identification of risks and vulnerabilities to corruption. Implemented between 2010 and 2011, the key-element of the Methodology was represented by the increased attention paid to the identification, description, assessment and hierarchy of corruption risks and vulnerabilities, in order to implement future measures for preventing and controlling them.

<sup>27</sup> The Advisory Council of the Churches and Religious Denominations of Romania is an organization of an ethical, social, autonomous, apolitical, non-governmental, without juridical status and not-for-profit nature. The major objectives of the Advisory Council of the Churches and Religious Denominations of Romania are: the advancement of the belief in God and of its importance in the life of people and society, the defending and promotion of the human being and its dignity, the promotion of respect towards the divine creation (man and the surrounding nature), the adoption of common stands and attitudes in the face of important society problems, the manifestation of solidarity and cooperation amongst cults in the spiritual, cultural, educational and social domain, prevention and mediation in the solving of possible inter-denominational and inter-religious differences, including the rejection and discouraging of any kind of extremism.

<sup>28</sup> Thus, in **2010**, out of the six petitions filed with the NCCD, on the ground of religion/beliefs, the Steering Board issued the recommendation in one case for the defendant. In **2011**, NCCD ascertained the discrimination deed on ground of religion and beliefs in 5 cases, applying 4 sanctions with a warning and 1 recommendation.

<sup>29</sup> Thus, the certificate proving the act of birth is released within 24 hours after such an event, the responsibility for fulfilling this obligation corresponding to the doctor who certified the birth of the child, or if the birth took place outside of a hospital facility the family doctor is obliged to confirm the birth and release such a certificate even if the mother is not enrolled on his/her lists. When the child is



left by his mother within a maternity, this institution should notify the police and the social assistance authorities in 24 hours after the moment when the mother's disappearance was noticed. In 5 days after this fact, based on a common report signed by all the authorities involved if the child's state of health allows it, the child is released from the hospital and will benefit of a special protection measure.

During the next 30 days the police should made specific inquiries regarding the tracing of the natural mother and communicate the final results to the local General Direction for Social Assistance and Child Protection. If the mother is identified, she should be counselled accordingly regarding the consequences of abandoning her child and will be helped by the administrative authorities in order to register the child. If the mother is not identified, the General Direction of Social Assistance and Child Protection sends all the documents of the child's file to the public service of social assistance which has the obligation to carry on all the administrative procedures regarding the child's birth registration.

<sup>30</sup> In partnership with the Ministry of Education, Research, Youth and Sport, the school inspectorates and with the support of the National Agency for Roma, the NGO Save the Children Romania has developed a series of programmes designed to facilitate the access to preschool education of Roma children, including the project *Roma children prepare themselves for kindergarten!*. The main activities consisted of organizing summer kindergarten groups, training teachers working with Roma children and elaborating brochures/guides. As a result of the activities implemented between 2009 and 2012, 192 professionals (96 teachers and 96 school mediators) were trained to work with Roma children and parents, 96 summer kindergartens groups were organized nationally in disadvantaged communities, being attended by approximately 2000 children. Out of the total number of children included in the project, over 90% were enrolled in the national education system. Based on the experience gained, a best practices guide was elaborated by Save the Children Romania, with the support of the Ministry of Education, Research, Youth and Sport and of the National Agency for Roma. In the framework of the project Access to education for disadvantaged groups, funded from European PHARE funds, MERYS developed the *Second Chance* program for primary and lower secondary education.

Training programmes on positive education, accredited by the Ministry of Education, Research, Youth and Sport, have been implemented by Save the Children Romania and benefited by the participation of 400 teachers, 200 clinical psychologists and child psychiatrists from psychiatric hospital and/or mental health centres (trained on various community child friendly interventions for children with mental health), 30 social workers from district child protection departments (trained on community case management for children victims of abuse in the family and/or diagnosed with mental health disorders, coming from disadvantaged communities), 150 school councillors (trained on the evaluation and school based intervention for children diagnosed with depression, anxiety disorders, ADHD and for children with aggressive behaviours). All training programmes were developed and delivered under partnership agreement between Save the Children Romania and the public institutions.

A bullying prevention programme has been implemented in 2 schools in Bucharest, reaching 500 students who benefited from the programme. Several social and emotional abilities development programmes have been implemented in kindergartens in Bucharest, Iasi, Suceava, Tg Mures and Timisoara. Also, a national programme for the classroom management built on the principles of positive education have been implemented in Bucharest, Iasi, Suceava, Tg Mures and Timisoara, having as beneficiaries teachers, children and their parents in each schools. The latter program was implemented three years in a row, in more than 8 schools and the entire experience was documented in a good practice guide that was distributed widely among school managers.

<sup>31</sup> The objectives are: to support a flexible model of school re-integration for primary education, for persons who dropped out of school before finishing this level of education, to deliver a curriculum adapted to the needs of the youngsters participating in the project and to the national standards for compulsory education, to train human resources in the project: school managers, project coordinators from each school, teachers, school mediators. After the pilot phase developed in the PHARE project, the *Second Chance* program for primary education has been approved by an order issued by the minister of education and is now applied all over the country, being a part of the educational offer of the system. It is financed from the state and local budgets, as part of compulsory education. In the case of Roma students, in some schools, school mediators have been employed in order to make the program known and to facilitate the dialogue between teachers, pupils, parents and local community.

<sup>32</sup> In severe cases, schooling is ensured at home or in the hospital.

- <sup>33</sup> Examples of such programmes: *Free school transport* - by mini buses provided by the MERYS for each County School Inspectorate according to the number of students who did not study in the residence area; reimbursement of the transportation costs for those students who attended schools farther than 50 km from their residence area; delivery of free school supplies to students coming from poor families; *200 EURO Programme* – to support students coming from disadvantaged families to purchase a PC; *Money for High – School Programme* – is intended to high-school students coming from disadvantaged families so as to go on with high-school studies; Expansion of *Milk and Crescent* programme to students in lower secondary level, according to the Government Decree no. 95/2008; *The Government Scholarship*” destined to gifted but socially disadvantaged children coming from rural areas who graduated the 4<sup>th</sup> grade. Such a measure supports them to attend elite school in urban area according to their field of performance. The scholarship covers the cost of full boarding and school supplies. It began in September 2008 and 165 students took benefit of this program in the 2008-2009 school year. In 2009-2010, MERYS recorded 329 beneficiaries.
- <sup>34</sup> In the context of a development of the national efforts aimed at preventing child’s abuse and exploitation, the evolution of other collateral phenomena such as illegal migration of Romanian minors on the territory of other stated or the trafficking and exploitation of children imposed the adoption of new action initiatives.
- <sup>35</sup> Separate chapters regarding the minors situation exclusively were introduced within the national legislation which governs the free regime of travelling abroad for the Romanian citizens, stating as compulsory the approval of both parents in case of a child travels to another country, while the parents or other legal representatives should report a child’s disappearance to the police within 24 hours from the time they have noted the child missing from home.  
At the level of each county there is an obligation to set up a toll free line where all cases of abuse or neglect can be reported, as well as specialised services which should ensure the social reintegration and rehabilitation of the victims.  
Also, a number of national action plans were targeted at the protection of children against abuse, neglect and exploitation, combating the trafficking in human beings or combating the sexual abuse on children and the exploitation of children for commercial purposes. Each of these action plans represent the result of many institutional partnerships corresponding to the obligations assumed by Romania at international level. These instruments have foreseen as objectives common and/or specific legal or procedural measures, the setting up of specialized services for the children rehabilitation, the training of the professionals in the field, measures to identify, refer and assist children at risk and children who are victims, working methodologies and instruments of cooperation.
- <sup>36</sup> The methodology describes in detail the signs that should indicate a possible situation of risk, the signs of a child considered to be a victim of trafficking in human beings, the way these cases should be reported to the competent authorities and the measures to be adopted in order to ensure a protection of the children who belong to the target group. The normative act also establishes the actions and activities that should be performed by specialists belonging to different fields that intervene in and instrument these cases, so that a common and fluent cooperation be achieved for the best interest of the child. Another chapter is dedicated to the monitoring of the measures adopted in order to ensure a better protection of the children victims of abuse or violence or trafficking in human beings so that the risk of repeating this situation be completely excluded.
- <sup>37</sup> As a matter of consequence, in any environment as well as in schools, institutions or family corporal punishments are forbidden, such an act being incriminated, if it happens, according to the penal legislation into force.
- <sup>38</sup> The direct beneficiaries were students from 30 schools with vocational education profile as well as siblings, parents or other legal tutors and also the local communities.  
In order to increase the impact of the campaign the coordinator of the Local Inter-sectorial Team trained the representatives of the institutions involved in the campaign in order to promote and respect the children’s rights and in order to increase their capacity to ensure children’s participation in the implementation of the campaign. Among the actions of the campaign, informative brochures were distributed (on topics such as “Prevention and combating children exploitation; the attributions of the responsible institutions”, “Protection of the victims of the trafficking in human beings”, “Say NO to drug consumption!”) and a leaflet of the Anti-drug / anti-trafficking County Team. These meetings gathered representatives of the local authorities, police workers, representatives of the church in order to inform them and to involve them in the actions of the Anti-drug/anti-trafficking County Team.

Informative meetings with students, teachers and parents were also organised aiming at informing them about the risks involved by the trafficking in human beings and by the drugs consumption.

<sup>39</sup> The intervention was innovative in the sense that it practically connected the actions against the worst forms of child labour (such as the trafficking in children, begging and prostitution) with other actions (such as those against drugs consumption) which are in fact connected in the real life.

<sup>40</sup> Radio and TV stations, NGOs, the Territorial Authority of Public Order from the county level, the County Council, the Labor and Social Protection Directorate, the General Directorate of Social Assistance and Child Protection, the County School Inspectorate, the cults representatives. The process of informing the citizens was realized by organizing meetings (with women, children and elders groups), round tables with local factors involved in preventing this phenomena, projection of video spots and thematic movies, marches against violence, itinerant exhibitions of drawings with preventive theme organized in different places of interest for the public. By these preventive activities, the people received information about the forms of manifestation of the domestic abuse and which are the stages in managing a case.

In the period **2011-2012**, by creating the specialized web site [www.politiaromana.ro/prevenire](http://www.politiaromana.ro/prevenire), a new source of information and preventive recommendations was established, which can be easily accessed by any citizen, including the problem concerning the prevention of domestic violence.

<sup>41</sup> The goal of the project was to endorse the development of coherent policies to combat discrimination and promote equality of opportunities for persons with intellectual disabilities in Romania, by increasing the level of awareness of public opinion on abusive restrictions of the right to labor and self-determination of these persons, through the analysis of the current situation in our country from this perspective and identifying some tools for the relevant actors in the society (responsible authorities, NGOs active in the field of disability and human rights, employers, representatives of target groups).

The project has started from the analysis of opportunities of access to the labor market of persons with disabilities in general and of those with intellectual disabilities in particular, in the context of the status of disadvantaged category of this important part of the Romanian population and it aimed, on one hand to identify solutions to improve the current legal and institutional framework and on the other hand to draw attention to the limitations and discrimination still persisting to which these persons are subjected to.

Among the **key results**, we mention the following: an objective and comprehensive evaluation of the situation of persons with disabilities in general and of those with intellectual disabilities from the perspective of the employment environment in Romania; conduct and implementation of a media awareness campaign among the Romanian population, regarding the rights of persons with intellectual disabilities, starting from the situations of rejection, marginalization and discrimination these persons are subjected to, taking into account their difficulties in effectively participating to the economic, social or cultural life; identification of the main obstacles that are faced with locally both the authorities competent for enforcing legislation on the rights of persons with disabilities in general and of those with intellectual disabilities in particular and non-governmental organizations active in this area and formulation of proposals of public and legislative policies; inclusion, as a result of activities conducted by the project partners of certain relevant provisions in the new law of social assistance adopted by the Romanian Parliament at the end of last year, in order to harmonize this regulatory document with European and international legislation and initiation of procedures of public consultations regarding the amendment of the framework-law on the protection of persons with disabilities.

<sup>42</sup> The rules needed for the law to be implemented have to be processed now on. One of these changes in the law regarding the non-compulsive admission has been made in order to reduce the present difficulties often met in practice concerning the measures of shortening the court decision. The respect of human dignity, the promotion of non-humiliating or bad treatments, of non-discrimination, of non-abusive limitation of freedom of moving through contention and isolation - are the general principles underlined for the persons admitted in the psychiatric hospitals.

<sup>43</sup> Thus, the National Mental Health Programme sustained in the last 2 years several training programs for the mental health professionals (a curricula was created and over 200 professionals were trained) and a training curricula for the psycho education of patients and families for the psychiatric nurses.

<sup>44</sup> Among these measures, we mention the following: the introduction of concrete deadlines for the solution of the demands of former owners, the simplification of the administrative procedure for the

establishment of compensation, the introduction of a deadline for the deposition of justifying papers, the payment of the compensation awards in annual instalments and the setting of a cap on the compensation awards.

<sup>45</sup> On the occasion of such meetings situations specific to each specific diocese were considered, insisting on the need for the parties involved that every community have their own spiritual worship.

<sup>46</sup> Up to present, meetings were held with the representatives of the Romanian Orthodox Church and of the Greek-Catholic Church, within which the following issues were discussed: aspects related to the state of solution of the requests and to the difficulties encountered in the restitution process; the situation of properties that belonged to the Greek-Catholic Church and which are currently detained by the Romanian Orthodox Church, the modification of the current legal framework allowing the solution of the situation of these properties, the acceleration of the restitution process, the legislative measures proposed by the Romanian authorities in the draft law concerning the enforcement of the aforementioned pilot judgment rendered by the ECHR.

<sup>47</sup> In primary school, students study Child's Rights as a distinct thematic cluster integrated in *Civic Education*, a subject which is compulsory in the 3<sup>rd</sup> and 4<sup>th</sup> grades (1–2 classes/week). Children benefit of free alternative textbooks.

In lower secondary school, *Human Rights Education* is included in subject called *Civic Culture* that is studied compulsorily in the 7<sup>th</sup> and 8<sup>th</sup> grades (1–2 classes/week). Students benefit of free alternative textbooks as well.

In upper secondary education, clusters of themes on human rights education can be found in various social studies, such as: Sociology, Philosophy, Social Studies which enjoy the same regime of free alternative textbooks.

<sup>48</sup> In this respect, it is worth mentioning the following optional subjects whose syllabi were approved by Minister's orders, as follows:

- at primary school level - *European Education* – Minister's Order no. 5208 of 25.09.2006;
- at lower secondary school level- *Civic Culture* and *Intercultural Education* – Minister's Order no. 5098 of 9 September 2009.
- at higher secondary level – *Civic Education*, *Intercultural Education*, *Education for Democracy*, *European Union Institutions* – Minister's Order no. 5817 of 6 December 2010, *International Humanitarian Law* – Minister's Order no. 4202 of 17 May 2011.

Generally speaking, human rights education has been developed throughout the pre-university educational system in a cluster- like manner obvious in all the subjects' part of social sciences: Civic Education, Civic Culture, Sociology, Philosophy, Social Studies, European Education, Intercultural Education, Education for Democracy, International Humanitarian Law and European Union Institutions etc.

<sup>49</sup> Due to their impact on students' considerable involvement and disposing of substantial didactic support (methodological guidelines and manuals), these programs have been undertaken as facultative studies that were further integrated in the offer of School Based Curriculum.

<sup>50</sup> Examples of programs: *Students' Ombudsman*, *3<sup>rd</sup> Millennium Leaders*, *Learn How to Change the World*, *Building Europe with and for Children*, *National Contest of Creativity in Producing Didactic Materials to Support Human Rights Education*, *Democracy*, *Peace Culture in Pre-university Education* (organized in partnership with Romanian Institute for Human Rights).

<sup>51</sup> Courses on human rights education and child's rights education can be found under various titles, such as: *Human and Child's Rights Education*, *Civic Education for Democratic Citizenship*, *Modern Approaches and New Trends in Child's Comprehension*, *Human Rights Education*, *Education for Democratic Citizenship*, *Human Rights Education – teaching and learning human rights in pre-university education*, *Human and Child's Rights Education*, *Human Rights and European Citizenship*, *Education for Democratic Citizenship*, *Child's Rights Education*, *Child's Rights Protection and Promotion* etc. 1795 teachers have been trained between 2007–2012 and 46 courses have been accredited.

<sup>52</sup> For example:

- in 2008, within *Students' Ombudsman* project (developed by 21<sup>st</sup> Agenda Association in partnership with MERYS and UNICEF Romania), 42 educational inspectors were trained as trainers in the field of child's rights education with a view to offer assistance to the development of the project at county level.

- in 2006, MERYS and UNHCR developed a partnership project entitled “Human Rights and the Refugees’ Rights”, which was piloted throughout the school year 2007-2008 with the view to turning it into an optional subject. Within the project, 42 teachers (one teacher/county) and 42 schools participated to the training sessions dedicated to the refugees’ rights.

Being aware of the school and teachers’ role in building children’s civic behaviour, the aforementioned NGO Save the Children Romania continued to train, on an annual basis, 70 teachers through a child’s rights course accredited by the Ministry of Education, Research, Youth and Sport. This course is available for all teaching staff (educators, schoolmasters and teachers) from pre-university education.

Regarding **the professional training provided to future magistrates and to magistrates on issues related to the topic of human rights**, including matters related to discrimination, in the period of reference, 2008-2012, the National Institute of Magistracy (NIM) continued to grant a special attention to it. As regards the *initial training* for future judges and prosecutors, starting with 2004, the mandatory study of the European Convention on Human Rights was included in the curriculum, a number of hours being allotted to this discipline exclusively – debates, as well as conferences. This number was different from one year to another, according to the training needs in the field of the ECHR (it grew, successively, from 32, to 48 hours). Starting with 2007 – 2008, the issues related to discrimination and the implications in the national legislation were included in the syllabi of the following matters: European Convention of Human Rights, European Law and Criminal Law. As for the *continuous training* of judges and prosecutors, in the year 2008, NIM provided training on the “*European Convention on Human Rights*” (for magistrates throughout organization of 21 seminars for 184 magistrates (137 judges and 47 prosecutors) and, also 9 Romanian experts from SCM and MJ. For the year **2008**, a total number of 8 seminars were organized by NIM in the field of “*Combating discrimination*”. As an element of novelty in **2009**, issues of the human rights law and community law were included in the seminar’s agenda devoted to specialized training of magistrates. As regards the *Combating discrimination*, in this period 4 seminars for a total number of 45 magistrates (27 judges and 18 prosecutors) were organized. In terms of the continuous training, in **2010** the NIM continued its approach adopted in 2009 and included as compulsory components of the agenda of the seminars dedicated to the specialized training of magistrates a number of ECHR and community law topics, while previously such topics were only a sporadic presence in the seminars, according to the specific approaches of the seminar trainers. In **2011**, NIM continued to recognize the importance of training magistrates on the *ECHR practice*, a field in which it shall further distinct training of civil and criminal aspects of the ECHR.

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