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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF ROMANIA
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where expressly indicated, any developments which occurred after 8 July 2021, date on which the response of the Romanian authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² CM/Del/Dec(2012)1154/4.2.

1. *In its report on Romania (fifth monitoring cycle) published on 5 June 2019, ECRI recommended that the authorities put in place a system to collect data and produce statistics offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime brought to the attention of the police and pursued through the courts and that this data is made available to the public.*

ECRI notes that there have been no significant changes in the collection of hate crime data. Such data have continued to be generated separately by the police, the General Prosecutor's Office and the Ministry of Justice. The latter offers an overview of cases under Article 369 (incitement to hatred) of the Criminal Code through its electronic tool for court statistics, namely ECRIS, which - according to the information provided by the authorities - will be subject to a comprehensive modernisation that should be completed in 2023.³

ECRI was also informed that the National Strategy and Action Plan for preventing and combating antisemitism, xenophobia, radicalisation and hate speech (2021-2023), which was adopted in May 2021, has a specific objective on the improvement of data collection on hate crime by developing a uniform methodology. To this end, the police will set up a working group, consisting of experts from the Ministry of Justice, the General Prosecutor's Office, the Superior Council of Magistracy and the National Institute of Statistics. The work on this matter is expected to start in 2022.

Against this background, whilst welcoming the authorities' plans to improve data collection on hate crime, ECRI considers that this recommendation has not yet been implemented.

2. *In its report on Romania (fifth monitoring cycle), ECRI recommended that the authorities provide further training for police officers, prosecutors and judges on how to deal with racist and homo-/transphobic acts of violence. This should include improved procedures for recognising bias motivations. Furthermore, it also recommended that in order to address the problem of underreporting, the authorities enhance cooperation between the police and vulnerable groups, in particular the Roma and the LGBT community.*

The authorities informed ECRI that further training has been provided with a view to increasing the capacity of law enforcement officials and members of the judiciary on dealing with hate-motivated violence. Among others, within the framework of the project "NoIntoHate 2018",⁴ which had run between October 2018 and March 2020, a total of 144 professionals (96 judges and prosecutors, 24 police officers and 24 gendarmes) benefited from specific modules on hate crime legislation and related case law, including the case law of the European Court of Human Rights. Furthermore, both initial police education and in-service training include subjects related to hate crimes, which are regularly updated. ECRI therefore considers that this part of the recommendation has been implemented.

³ This modernisation is within the framework of a project, "Development of the electronic case management system ECRIS V", under the Operational Program "Administrative Capacity 2014-2020" that will run for 34 months (2021-2023). It will be implemented by the Ministry of Justice in partnership with the General Prosecutor's Office and the Superior Council of Magistracy.

⁴ This project entitled "NoIntoHate2018 - 10 years of implementation of the EU Framework Decision on racism and xenophobia in Romania: challenges and new approaches to actions on hate crimes" was implemented by the National Council for Combating Discrimination (NCCD), in partnership with the Institute for Public Policies.

ECRI understands that the authorities have not yet developed improved procedures for recognising bias motivations and recalls that the proper qualification of hate crimes is imperative for ensuring the effective functioning of the criminal justice system against such acts. In this respect, ECRI notes that the common methodology for investigations into hate crimes, which was expected to be adopted by the Working Group⁵ that was set up in 2017, has not been finalised.⁶ Regrettably, the Working Group in question no longer holds meetings.

In their communication to ECRI, the authorities recalled that there were dedicated places available for Roma in police academies. However, the authorities have not provided any information regarding specific measures on enhancing cooperation between the police and vulnerable groups, in particular Roma and LGBT communities, to tackle the issue of underreporting. Reports communicated by civil society actors to ECRI suggest that victims remain particularly reluctant to report hate incidents, which is indicative of a lack of progress on the level of cooperation between impacted communities and law enforcement officials. ECRI can only consider that this part of the recommendation has not been followed up.

In view of all the above considerations, ECRI welcomes the efforts made to provide criminal justice actors with training on hate crime. However, it notes that no or little action was taken to address underreporting and in particular to enhance cooperation between law enforcement officials and the communities concerned. ECRI therefore considers that overall, this recommendation has been partially implemented.

⁵ This Working Group was set up for the execution of the judgment of the European Court of Human Rights in the case [M.C and A.C v. Romania](#) (no. 12060/12, 12 April 2016) and is composed of representatives from the General Prosecutor's Office, the General Police Inspectorate, the Ministry of Interior, the Ministry of Justice, the National Council for Combating Discrimination (NCCD) as well as from the NGO "ACCEPT".

⁶ See [FRA](#) (2021):17. In this connection, it was brought to ECRI's attention that the General Prosecutor's Office adopted a methodology to provide guidance on reporting and registration of hate crime in October 2020. However, information on concrete plans for action and timeframe with a view to implementing such guidance by law enforcement agencies is still lacking. See [decisions](#) of the Committee of Ministers of the Council of Europe and related [notes](#) in the context of its 2021 examination of the execution of the Court's 2016 judgment in the case M.C and A.C v. Romania (CM/Notes/1419/H46-27, 2 December 2021).