APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Romania

ECRI, in accordance with its country-by-country procedure, engaged in confidential dialogue with the authorities of Romania on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice, could only take into account developments up until 5 December 2013, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Comments of the Romanian Government on ECRI's revised draft of the fourth report concerning Romania

The present document encloses Romania's comments on ECRI's revised draft of the fourth report concerning Romania. For purposes of enhanced clarity, the document follows the structure of the draft report.

SUMMARY

The statement referring to the non-existence of legal prohibitions in terms of public insults and defamation on racial discrimination ground is too general and does not correspond to the reality as the criminal law incriminates several deeds that may be assimilated to discriminatory defamation such as the Incitement to hatred on grounds of race, nationality, language, religion, gender, sexual orientation, opinion, political affiliation, belief, wealth, social etc. (see also comments below).

Moreover, the expression envisaging that „*the legislation prohibiting incitement to hatred should be applied to all politicians..*" incorrectly suggests an unfair application of the law that represents a breach of the fundamental principle of legality and equality before the law.

Existence and Application of Legal Provisions

- Paragraphs 3, 30 and 32

The domestic criminal law policy has to take into account, besides the international obligations to which Romania is bound, also the national criminal context. Should the penalties be considered too low, the criminal law - through its general provisions - provides for an increase of penalty by aggravating factors. Also, the judge, when assessing the facts and hearing the evidence submitted before the court may increase the penalty to be applied.

Although the new criminal code does not criminalize insult and defamation, the standard conduct of such deeds are still prescribed in criminal, civil and administrative legislative acts where discrimination on the grounds mentioned by ECRI are considered.

As an example to support the abovementioned could be stated the offence of incitement to hatred or discrimination provided in Article 369 of the new Criminal Code[1], as well as the offences provided by the *G.E.O. no. 31/2002*[2] *prohibiting the organizations and symbols with*

[1] Art. 369 – Incitement to hatred or discrimination

Inciting the people, by any means, to hatred or discrimination against a category of persons shall be punished by imprisonment from 6 months to 3 years or fine.

[2] Art. 4

(1) Distribution or sale, by any means, or the production of fascist, racist or xenophobic symbols, as well as the possession for the distribution or sale thereof shall be criminalized and shall be punished with imprisonment from 6 months to 3 years or fine.

(2) The same penalty shall apply to the public use of fascist, racist or xenophobic symbols.

fascist, racist and xenophobic character and the glorification of those found guilty of crimes against peace and humanity.

When insult and defamation were decriminalised in 2006, the Romanian legislator took into consideration, among others, the following:

- Since the criminalization of a certain conduct has to be determined by the degree of generic social danger it poses, the present regulations in civil and non - criminal matters suffice to efficiently protect the honour and dignity of the person. The generic social danger is assessed by the legislator in an abstract manner, taking into account several factors such as: information on the importance of the protected social value, the seriousness of the likely infringement, the status and the dynamics of the criminal phenomenon envisaged by the respective protection measure and the circumstances in which such deeds can be committed. It should also be taken into account that the criminal liability is the most serious form of legal liability and it should be triggered only when the other forms of liability are not enough to guarantee the proper protection of the social values the Romanian legislator should provide for;
- The request of the Council of Europe (through its Committee of Ministers), following the judgments rendered by the European Court of Human Rights/ECHR concerning Romania in the field of freedom of expression, in which the ECHR had found violations of Article 10 of the European Convention on Human Rights due to the criminalisation of insult and defamation.

From the perspective of the compliance with human rights international standards, neither Article 8, nor Article 10 of the European Convention on Human Rights obliges the States to criminalize those deeds that, following the exercise of the freedom of expression, would be regarded as affecting the right to respect for private life, including honour and reputation.

(2^1) Distribution or sale, by any means through an IT system, of racist and xenophobic materials shall be punished with imprisonment from one to 5 years.

(3) The deed provided for at para. (1), (2) or (2^1) shall not be criminalized if it is committed for art, science, research or education purposes or for the purpose of debate of public interest matters.

Art. 5

(1) Promoting the cult of the persons guilty of committing one of the criminal offences against peace and humanity or promoting the fascist, racist or xenophobic belief, by using the propaganda and being the deed committed through any means, in public, shall be punished with imprisonment from 6 months to 3 years or fine.

Art. 6^1*)

(1) Threatening a person or a group of persons through an IT system, with committing a criminal offence for which the maximum penalty provided by law is imprisonment of at least 5, on grounds of race, color, descent or national or ethnic origin or on grounds of religion, if the latter is used as a pretext for whichever the aforementioned grounds, shall be criminalized and punished with imprisonment from one to 3 years.

(2) Criminal proceedings shall be instituted upon a preliminary filed by the injured party.

The means of protection of one's dignity and honour are already provided by the civil code, which refer to the relation between the harmed party and the author of the illicit conduct. Even more, *de lege lata,* the honour and dignity of the persons are also protected by means of non-criminal law regulations.

- Paragraph 7

The provisions of Article 40 paras. (1) and (2) and Article 30 paras. (1), (6) and (7) of the Romanian Constitution[3] enshrine the principle already mentioned by ECRI in its report. Moreover, the Civil Code also lays down the aforementioned principle. Hence, according to the provisions of Article 196 para. (1) let. c) of the Civil Code, the court may find the nullity of the respective legal person if the **aim of its activity is illicit, contrary to public order or morality.**

Also, the possibility of limiting one's rights and freedoms is enshrined as principle in Article 53 of the Constitution. According to the aforementioned provisions, the exercise of certain rights or freedoms may only be limited by the law and only if required for the following: defence of national security, health or public morality, citizens' rights and freedoms; for carrying out the criminal proceedings; prevention of natural calamity consequences, of a disaster or extremely serious catastrophe[4]. Such limitation is further developed by the laws providing for sanctions against discrimination, including penalties through criminal law provisions.

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[3] **Art. 40 - Right of association:** (1) Citizens may freely associate into political parties, trade unions, employers' associations, and other forms of association.

(2) The political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity or independence of Romania shall be unconstitutional.

Art. 30 – Freedom of expression (1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.

(…)

(6) Freedom of expression shall not be prejudicial to the dignity, honor, privacy of a person, and to the right to one's own image.

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.

[4] Restriction of the exercise of certain rights or freedoms

(1) The exercise of certain rights or freedoms may only be restricted by law, and only if necessary, as the case may be, for: the defense of national security, of public order, health, or morals, of the citizens' rights and freedoms; carrying out criminal proceedings; preventing the consequences of a natural calamity, disaster, or an extremely severe catastrophe.

(2) Such restriction shall only be ordered if necessary in a democratic society. The measure shall be proportional to the situation having caused it, applied without discrimination, and without infringing on the existence of such right or freedom.

- Paragraph 11

Regarding the difficulties which ECRI's draft report argues that the religious associations encounter in the transformation process of a religious association into a cult recognised by the State and, also, regarding the difficulties encountered by a religious group in registering a new religious association, we specify that, up to this point, the State Secretariat for Religious Denominations received no application for recognition of a new cult, which complied with the regulations of the Law no. 489/2006 on *religious freedom and the general status of religious denominations*. Furthermore, the State Secretariat for Religious Denominations offered its advisory notice to all religious groups who wanted to establish a religious association – with the condition of observing the regulations of the aforementioned law.

- Paragraph 12

With reference to the recommendation of relaxing these regulations, the State Secretariat for Religious Denominations underlined the following: Law no. 489/2006 is a modern law, and the conditions which a religious association must fulfil in order to turn into a religious cult – and a religious group in order to be registered as a religious association – have a moderate degree of restriction. The reason why the State Secretariat for Religious Denominations considers that these conditions must not be eliminated or relaxed is based on the fact that the State recognises the denominations' social, cultural and educational role, as well as their status as *factors of social peace* and, therefore, only a strong organised religious association, that complies with certain regulations, can aspire to the condition of the state's partner in these areas. Also, according to the Tax Code, the religious associations benefit from certain tax reductions, and these facilities should be applied only to a religious organisation that conducts a well-structured religious activity (at least locally) and is sufficiently developed numerically – and not to all minor religious groups.

This two-stage system in the law governing the juridical status of the religious organisations as legal entities – the religious cult status and the religious association status – is specific to most states in the European Union.

According to G.O. no. 26/2000, an association can be established with a minimum of three members and can carry out religious activities. These associations do not benefit from certain tax cuts enjoyed by the religious cults and by the religious associations established through Law no. 489/2006.

Regarding the recommendation which expresses that the Romanian State should repeal the legal formula: *any form, means, act or action of religious defamation and antagonism, as well as public offending of religious symbols are forbidden in Romania*, contained in the text of the Law no. 489/2006, we consider that it is unsustainable, as long as in Romania, according to the 2011 Census, over 99% of citizens expressed their belonging to a religious denomination or a religious belief. Thus, by eliminating this legal provision, we consider that a risk of potential conflicts might be created.

Regarding the differences on legal interpretation of the Tax Code, due to which some religious associations did not benefit from tax cuts operated by the local authorities for the houses of worship, we inform you that the State Secretariat for Religious Denominations made, in the last years, numerous requests to the Ministry of Finance in order for the tax exemption to be mentioned explicitly for the houses of worship and for the religious associations; the Ministry of Finance expressed the commitment to include this provision in the first law promoted to amend the Tax Code.

- Paragraphs 13-16 (Legislation on national minorities)

By participating to various international treaties, Romania assumed firm obligations on respecting and protecting the essential elements of the identity of persons belonging to national minorities (religion, language, traditions and cultural patrimony), being convinced of the need to protect the cultural diversity as a defining element of the Romanian society.

Our country has developed, with the great contribution of the members of the national minorities themselves, a system of protection of their rights, going beyond the international standards in the field. Its effectiveness was widely acknowledged. The participation of minorities in the public life is guaranteed by the Constitution and emphasized in various subsequent laws.

Romanian legislation proved efficient in protecting and promoting the cultural, linguistic and religious identity of the persons belonging to national minorities, as attested by the opinions of the existing monitoring mechanisms under the Council of Europe relevant Conventions.

- Paragraphs 17-25 (Regulations concerning restitution of property to religious and national/ethnic minorities)

Before the European Court of Human Rights (ECHR), the group of cases that concerned the ineffectiveness of the mechanism set up to afford restitution of or compensation for properties nationalized during the communist regime is *Strain and others v. Romania*.

Considering the scale of the problem, the European Court of Human Rights issued a pilot judgment in the case of *Maria Atanasiu and others* of this group pf cases (judgment of 12/10/2010), in which it requested the adoption of measures capable of affording adequate redress to all the persons affected by the restitution laws within 18 months. This deadline, extended twice by the Court, expired on 12 May 2013. The Court adjourned the consideration of all the applications stemming from the same general problem until the adoption of one or several lead decisions on the action taken by the Government in response to the pilot judgment.

The main measures taken in this field and presented in the action plan (https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD(2013)559&Language=lanEnglish&Site=CM) concern:

- By the Prime Minister's decision, an inter-ministerial committee was set up in order to draw up a draft legislation enhancing the efficiency of the restitution of property system. On 5 April 2013, consultations were held between Romanian authorities and representatives of the Department for the Execution of the European Court of Human Rights Judgments and the ECHR Registry on the compliance of the draft legislation with the case-law of the Court.

Following the working visits, the amendments discussed during the meeting were incorporated in the draft legislation. Also, in its statement of reasons were included explanations on the basis of which the legislative solutions were adopted.

The Government engaged responsibility before the Parliament regarding the amended draft legislation.

- The key elements of the new law are the following:

    a) The main form of redress is reimbursement in kind. The restitution of the right in land shall be given at the old premises or, where it is not possible, on similar premises; in this respect, the draft legislation identifies an administrative procedure seeking an inventory of the available land.
    b) Where the restitution in kind is not possible, a decision for compensation by points shall be issued on the basis of a notarial chart set from the date of entry into force of this law. One point values one RON.
    c) The points can be valued in tender procedures for the purchase of land from the National Fund (consisting of agricultural land that is not the object of the restitution in kind, under the administration of the State Domain Agency and complemented by the immovable property transferred to the SDA administration, according with the above mentioned inventory and transfer procedures). Points can also be redeemed in cash, in instalments, over a period of seven years starting the 1st of January 2017.
    d) In order to expedite/accelerate the administrative procedures for solving the claims, time limits were laid down for each stage, accompanied by remedies before the Courts of Justice and connective sanctions.

- *Law no. 165 of 16 May 2013* on the measures for finalising the restitution process in kind or by equivalent of the immovable property wrongfully acquired during the communist regime in Romania *was adopted and published in the Official Journal no. 278 of 17 May 2013*.
- In June 2013, a meeting of the Committee of Ministers of the Council of Europe took place in Strasbourg, in which was discussed the enforcement of the pilot judgment on property restitution.
- On this occasion, the Committee of Ministers welcomed the determination demonstrated by the Romanian authorities in the execution of this pilot judgment, which has allowed the adoption of the new law reforming the reparation mechanism with a view to ensuring its effectiveness. The engagement in close consultation of the Romanian authorities with the Council of Europe representatives was highly appreciated and was encouraged to continue.
- As regards future measures, the Committee of Ministers underlined the importance of a close and constant monitoring of the application of the new law and invited the Romanian authorities to keep the Committee regularly informed on the progress made.
- At present, the new legislation is being implemented. The National Authority for Property Restitution/NAPR reports regularly on its website details on the progress of this process.

For a consistent application of the new legislation, NAPR issued a series of circulars and held a series of meetings with relevant authorities and owners associations. NAPR plans to continue this series of meetings.

By the Prime Minister's Decision, on 21 November 2013 the Inter-ministerial Committee for monitoring and supporting the implementation of the new legislation was established. Its main objective is to promptly propose all necessary measures to remedy any disruptions or delays. The Committee shall hold regular meetings, at least once every two months, or extraordinary meetings whenever necessary.

With regard to paragraphs 22-25, the State Secretariat for Religious Denominations constantly sought to act as a mediator for defusing the tensions between the Romanian Orthodox Church and the Romanian Church United with Rome (Greek-Catholic), and was actively involved in finding solutions convenient to both sides in their patrimonial dispute; the State Secretariat for Religious Affairs supports financially the projects of building new houses of worship in the areas where one of the parties becomes irrevocably the owner of the house of worship previously disputed.

The National Authority for Property Restitution/NAPR also continued the series of meetings with the representatives of the two churches, during which the discussed aspects concerned the state of solution of applications lodged before the special restitution commission and the difficulties encountered within the restitution process.

During these meetings aspects related to the situation of properties which belonged to the Greek-Catholic Church and which are currently held by the Romanian Orthodox Church were also discussed, the encouragement of the dialogue between the two churches with a view to reaching a friendly solution of the patrimonial dispute.

As regards the present state of solution of restitution demands lodged by the Greek Catholic Church before the special restitution Commission, it is to be underlined that out of 6.723 restitution demands, 1.110 have been solved (a percentage of 16,51%).

The situation of restitution demands finalized according to the manner of their solution
Restitution in kind.....139
Proposal for damage.....52
Rejection.....66
Other solutions (redirection, renunciation etc).....853
TOTAL number of solved applications 1.110

- Paragraphs 26-28 (Electoral law)

The electoral threshold of 5%, set forth by Law no. 67/2004, does not represent a condition of eligibility for the organizations of Romanian citizens belonging to national minorities (as presented in ECRI's reports), but it represents a minimum percentage of the votes validly expressed in an electoral circumscription necessary in order to enter in the process of distributing the mandates of counsellor. Law no. 67/2004 provides the same threshold of 5% for all the participants to the electoral process (political parties, political alliances and organizations of citizens belonging to national minorities who have the right to present candidatures according to the law).

In line with the information submitted by the Government in June 2012 and during ECRI's contact visit of March 2013, the legal provisions concerning the right of organizations belonging to national minorities to participate in local elections, as provided by Law no. 67/2004, are meant to help them and are in full agreement with the democratic principles of political pluralism and freedom of choice. The legislator did not create discrimination between political parties, political alliances, electoral alliances and organizations belonging to national minorities, but came to the support of national minorities by providing a special mechanism.

Thus, Article 96 (4) of Law no. 67/2004 stipulates that "In the case in which none of the organizations of citizens belonging to national minorities, other than Hungarian, has obtained a at least a mandate, a mandate of counsellor is attributed of those that remained from the first phase, to the organization which met the electoral threshold and has obtained the highest number of votes validly expressed of all those organizations." This mechanism supports national minorities' representation within the authorities of public local administration.

The Constitutional Court of Romania stated, in its Decisions nos. 325/2004, 146/2005 and 353/2007, that "from the content of Article 7 (3), (4), and (5) of Law no. 67/2004, it results that this is in line with the constitutional dispositions of Article 37, regarding the right to be elected, dispositions which provide the limits of the right and the conditions which have to be fulfilled by those running for office. It stated also that the possibility stipulated by the text in the sense of submitting candidatures by legally constituted organizations of citizens belonging to national minorities for the participation in local elections represents the observance of the principle of equality between citizens, stipulated by Article 16 (1) of the Constitution and the dispositions of Article 7 (3) and (4) are in the interest of minorities seen as a whole and are opposed to divergent interests which might be manifested in their interior and, on the other hand, are able to ensure the avoidance of fractioning the elected organs and their good functioning. The law offers the possibility to the citizens belonging to one minority to run either on the lists of the organization to which they belong or as independent. Thus, the Constitutional Court decided that the law provided certain conditions without limiting the right of an organization within a minority to participate in the election and constitution of local authorities.

It is to be underlined that, if we exclude the two biggest minorities (Hungarians and Roma), there is still an increase in the number of votes obtained in the parliamentary elections by the other minorities: Czechs, Slovaks, Germans, Russians, Serbs, Tatars, Ukrainians, Jews, Turks, Italians etc.. Furthermore, the Romanian legislation in this field guarantees *ex officio* a place in the Parliament/Chamber of Deputies for each minorities living on its territory, irrespective of the results obtained in elections.

Therefore, **every minority in Romania is genuinely represented in the Romanian Parliament, having the right to vote and to actively participate in the decision making process. This regime is an added value to the system of protection of the national minorities in Romania, not to be found in other systems of law.**

- Paragraph 35

As for paragraph 35 *in fine* (the reference concerning "the picture of Adolf Hitler being displayed in public outside the university, in the centre of Bucharest"), we underline the following:

It is a known fact that an investigation cannot be opened without a legal basis. In the absence of elements to circumstantiate the situation described in this part of the paragraph, it was impossible to make a legal framing of the mentioned fact related to the exposure, for commercial or other purposes, in the area of the Bucharest University, of a painting/picture of Adolf Hitler.

Given Article 5 (1) of Government Emergency Ordinance no. 31/2002, modified and republished, one could not presume the fulfilment of some of the constitutive elements of

the offence, among which the symbolic function and of propaganda of the portrait exposed or the systematic character stipulated in Article 5 (2).

It is undisputed that the apology of certain facts or the cult of a person consists in the intention of presenting a reality in a distorted and exclusively positive manner, with the aim to convince and gain the sympathy of the masses or, in the wording used by the legislator in Article 5 (2) of GEO 31/2002, of "attracting new adepts."

On the other hand, it is not the subject or the image that are forbidden unconditionally by the law, fact which would be equivalent to censorship and would pose problems with respect to freedom of expression, but the intention/the manner in which the exposure is done, which has to be apologetic/propagandistic.

In conclusion, the legal consequences always depend on the contextualisation of the symbol. Otherwise, States would find themselves in the situation of being obligated to ban movies that portray the Second World War (for example, "Schindler's list" (1993), "Enemy at the gates" (2001) or "Valkyrie" (2008)) or documentaries made and presented by international television channels, such as Discovery Channel, National Geographic Channel or History Channel (documentaries such as "Hitler's henchmen", "Hitler and the Nazis", "Unsolved history: Inside Hitler's bunker", "Second World War", to name just very few).

- Paragraph 37

The National Institute of Magistracy (hereinafter, the NIM) shows a continuous preoccupation on the discrimination matters shown not only through the seminars held in time on fighting discrimination but also through the conferences/seminars on the new criminal code, which includes, as already mentioned, anti-discrimination provisions.

Concerning the *initial training*, we reiterate the information on the training provided by INM in the domain of discrimination. Thus, as it was mentioned, the discipline „Fighting Discrimination" is included in the curricula of the second year judicial trainees/"auditors of justice" (future judges). This training programme is carried out under the guidance of experts from the National Council for Combating Discrimination (NCCD), experts also having the quality of NIM trainers.

As for the *continuous training*, given that the draft report mentions a program called "Equal access to justice for Roma", which was implemented by NIM in cooperation with ROMANI CRISS, the training activities focused on the civil aspects of combating discrimination against Roma.

This project aimed to train magistrates (judges and prosecutors) in the field of combating racism in criminal matters. The participants in these training activities were judges specialized in criminal matters and prosecutors from first instance courts, tribunals and courts of appeal and from prosecutor's offices attached to them.

A special emphasis was laid on the presentation of practical cases and on interactive debates. The speakers for these training activities were NIM trainers and experts proposed by Romani CRISS.

This project consisted of four seminars attended by 87 magistrates (43 judges and 44 prosecutors), as shown in the table below:

YEAR OF TRAINING	NUMBER OF SEMINARS	NUMBER OF JUDGES	NUMBER OF PROSECUTORS	NUMBER OF PARTICIPANTS
2011	1	8	10	18
2012	3	35	34	69
TOTAL	4	43	44	87

- Paragraph 39

Concerning ECRI's recommendation for Romanian authorities to ensure sufficient training aimed at fighting racism, it should be mentioned that the Superior Council of Magistracy, together with the National Institute of Magistracy, are committed to ensure a solid professional training for judges and prosecutors in all fields of law; the training curricula is structured and yearly approved taking into consideration the legal framework and the consistency of the jurisprudence in terms of providing both theoretical and practical knowledge on criminal provisions and jurisprudence and also on most frequent matters of criminal law, such as corruption, fraud, abuses, drugs, economic crime trafficking on human beings etc. but also in other sensitive fields such as trafficking on human beings, discrimination etc.

- Paragraph 40

Romania has a data collection system on criminal offences which comprises the information mentioned in ECRI's draft report.

The cases recorded in the system are very few. This should not be considered as a State's incompliance with the international standards in the field.

As far as the Ministry of Justice is concerned, there is the will to update the data collection system by introducing a special criterion in order to gather information on the aggravating factors with respect to final decisions in criminal matters.

- Paragraph 43

Incitement to hatred or discrimination is already provided as a criminal offence (Article 369 of Law no. 286/2009).

As a general rule of the criminal law, inciters and accessories to criminal offences are also criminally liable and therefore punished (Article 49 of Law no. 286/2009).

Legal entities with legitimate interest in combating discrimination have legal standing according to the provisions of Article 28 of G.O. no. 137/2007.

- Paragraph 47

The National Council for Combating Discrimination (hereinafter, the NCCD) offered through PROGRESS a number of 16 sessions of training for about 460 judges and prosecutors from courts and all levels of jurisdiction.

- The training sessions contributed to a better understanding of the principles of non-discrimination and equal opportunities by the persons invested directly to apply these principles related with the victim of discrimination.
- Furthermore, the National Institute of Magistracy introduced ECHR and ECJ cases in the curricula for the magistrates' promotion exams.

- Paragraph 48

Article 27 para. 3 of G.O. no.137/2000, republished, provides the possibility of a person who is feeling discriminated to address directly to the court without being subject to proceedings before the NCCD. In this case, the proceedings shall be mandatory summoning NCCD, which provides specialized points of view regarding that case under G.O. no. 137/2000.

According to the internal statistics, the situation of the points of view submitted in actions brought directly before the courts is:

2006 – in 160 actions

2007 – in 2.325 actions

2008 – in 2.490 actions

2009 – in 1.543 actions

2010 – in 515 actions

2011 – in 916 actions

2012 – in 556 actions

For the year 2013, the centralization of the points of view is not yet completed.

In conclusion, it can be noticed that the number of cases covering deeds of discrimination brought directly before the courts is *significantly higher* than those mentioned in the draft report.

In this context, the Government also point out **the case-law transmitted to ECRI's Secretariat following the contact visit** - examples of the domestic courts' jurisprudence on the application of criminal law provisions against racism and racial discrimination and anti-discrimination law and also a summary of the judgments in English sent to ECRI's Secretariat comprising final and irrevocable decisions having been rendered in **civil, criminal and administrative fields**.

We underline that **the selected decisions** that were transmitted **were final and irrevocable in order to avoid the risk of sending judgments rendered in first instance that could have later been quashed by higher courts**. Therefore, **this aspect is not to be interpreted in the sense that further continuous training is needed for judges of first instance** concerning the importance of anti-discrimination legislation (as ECRI's revised version of the draft report mentions in paragraph 48 *in fine*). This fact is demonstrated by the examples of case-law

transmitted, which clearly show that the courts of first instance had also admitted the applications and awarded damages for acts of discrimination (see, for example, *decision no. 706 of 19 May 2010*, issued by Craiova Court of Appeal in file no. 8011/101/2009 in the appeal on points of law lodged against the judgments of Strehaia district court and Mehedinţi county court, which had both admitted the application concerning acts of discrimination or *criminal judgment no. 786 of 13 October 2009*, issued by Buzău district court in file no. 3380/200/2008, which became final by the non-lodging of any appeal against it).

- Paragraph 49

Regarding the recommendation for strengthening magistrates' training in the matter of anti-discrimination legislation, such a recommendation is salutary but it should be envisaged, as previously mentioned, that this is a constant concern of the Superior Council of Magistracy and the National Institute of Magistracy, the field of professional training for magistrates representing a strategic priority; the matter of discrimination is also approached solidly.

- Paragraph 51

Victims of discrimination are entitled to legal aid if they lack financial means (Article 4[5] of G.E.O. no. 51/2008).

As a matter of principle, EU legislation applies to EU states and citizens. Hence, if there are specific EU rules on free legal aid, such rules apply to EU citizens only, save otherwise provided in the respective EU instrument.

It should be stressed that G.E.O. no. 51/2008 does not simply ignore non-EU citizens but provides the possibility of granting legal aid to them. Granting legal aid is subject to legal requirements which are not to be regarded as discriminatory on grounds of citizenship:

Art. 2[1]

(1) This Government Emergency Ordinance shall also apply in the situation of the requests filed by natural persons who do not have the domicile or habitual residence on Romania's territory or on other EU Member State, to the extent to which between Romania and the state whose citizenship the solicitor has or on whose territory his/her domicile is there is a conventional bond including provisions on the international access to justice.

(2) For the states Romania doesn't have conventional bonds with, the international access to justice may be granted on the basis of international courtesy, under the reserve of the reciprocity principle.

As already stated in the preamble of the above mentioned legislative act, the G.E.O. transposes the provisions of Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

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[5] Art. 4

Public legal aid may be applied for, under the provisions of the present emergency ordinance, by **any natural person** if he/she cannot bear the costs of a trial or of the costs required by legal counselling in order to have his/her right or legitimate interest defended before a court of justice without jeopardizing his/her maintenance needs or the maintenance needs of his/her family.

- Paragraph 55

Besides **the persons of Roma origin and Hungarian nationality present in the Steering Board of the National Council for Combating Discrimination since 2005 and 2002** respectively, the executive staff has another three Roma persons, respectively a legal adviser with direct responsibilities in handling files brought directly before the NCCD.

The NCCD has been constantly concerned about ensuring the access and inclusion of minority persons within the staff.

ECRI withholds the criticism of civil society regarding the politicization of the Steering board due to the method of election and appointment of members. The appointment procedure was adopted by the Parliament and requires the appointment of members by the two Chambers of Parliament. However, their decisions and motivations ensure the degree of independence of each member of the Steering board.

During the previous Steering board the situation of ascertaining cases was:

2009 – 49 ascertainments – 8 fine sanctions

- 16 warnings

2010 – 68 ascertainments – 7 fine sanctions

- 32 warnings

- 29 recommendations

2011 – 94 ascertainments – 22 fine sanctions

- 55 warnings

- 38 recommendations

The year 2012 marked the appointment of two new members and the renewal of the mandate for one. The situation of ascertainments and fine sanctions increased, thus:

2012 – 113 ascertainments – 35 fine sanctions

- 58 warnings

- 55 recomendations

2013 – 103 ascertainments – 66 fine sanctions

- 29 warnings

- 8 recommendations[6]

Contrary to the civil society perception, the last change of the Steering Board members, a representative of civil society has renewed his mandate for another five years. The President of NCCD has also received the support of civil society at the time of his appointment.

The professional quality of the persons elected in the Steering board is essential for this field, reason for which NCCD will further sustain that the process of the Steering board members selection to be as careful and to rely on professional knowledge of the candidates.

The Romanian Government supported the completion of human resources within NCCD, so during 2012 NCCD received 3 positions, one being assigned to the Legal Department and one to Assistance of Steering Board Department. It is true that the number of the staff from the two departments is still not sufficient, but efforts continue to be made and the positive aspect is that the high number of cases reflects the trust citizens have in the NCCD.

- Paragraph 58

Regarding the ratio of ascertainment solutions by which there were applied fines and those by which warnings or recommendations were issued we do not consider that there is an imbalance. In 2012, of the 113 solutions which admitted the existence of facts of discrimination, the Steering board imposed 35 fines, 58 warnings and issued 55 recommendations. In 2011, of the 94 solutions which ascertained the existence of discrimination acts, 22 were fines, 55 warnings and 38 recommendations.

According to G.O. no. 2/2001 on the legal regime of contraventions and whose provisions complete G.O. no. 137/2000, the main contravention sanctions are warning, contravention fine and performing a community service.

In terms of the legal value of the main sanction with warning, we mention that this sanction, in the field of finding and sanctioning acts of discrimination, is objectively applied and essentially consists in drawing attention, exclusively written, of the offender on the social danger of the deed, usually accompanied by the instruction to comply with legal provisions, respectively, if it is the case, to take all necessary measures to eliminate the effect of the fact.

The warning, as a main sanction, holds simultaneously both coercive and educational character, allowing the person who has committed a legal offense to rehabilitate and being aware of his behaviour to avoid another violation of legal provisions.

Under these conditions, based on a concrete analysis of the files, in case of discriminatory deeds with a lower severity, the Steering Board may consider enough to apply the sanction of warning, its effect being enough for the awareness of legal target.

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[6] Regarding the number of sanctions in direct relation to the number of ascertainments, it varies because in some cases, for a complaint which ascertains a deed of discrimination more sanctions are applied, for example fine with recommendation or warning with recommendation. Thus, in some cases, the total number of sanctions does not correspond to the number of ascertainments.

In the case C-81/12, ECJ stated that the mere fact that a specific sanction is not pecuniary in nature does not necessarily mean that it is purely symbolic, particularly if it is accompanied by a sufficient degree of publicity and if it assists in establishing discrimination within the meaning of that directive in a possible action for damages.

Summoning up, admitting the fact that inclusively the sanction of warning is a form of sanction and a method for achieving the purpose of combating all forms of discrimination, the number of cases in which sanctions have been applied is much higher.

- Paragraph 61

By Law no. 192 of 16 May 2006 on mediation and forming the profession of mediator and later by amendments introduced by Law no. 370/2009 and Government Ordinance no. 13/2010, the Romanian legislator has set the rights to exercise the right to mediation. Thus, both natural and legal persons have the right to solve their disputes through mediation both outside and within the required procedures for amicable settlement of the conflict under the law.

By Law no. 115/2012, starting with 1 August 2013 there were established mediation sessions prior required to introduce a legal action, in the case of not fulfilment of this obligation the action will be dismissed.

Although the legal action regarding a discrimination deed is not stipulated on the regulated list in the legislation mentioned, NCCD informs the parties about a petition that can appeal to the mediation procedure as regulated by the framework. Also, the list with authorized mediators to which they can appeal in the case of such procedure is available for the parties.

- Paragraphs 77-80 (Department for Inter-ethnic Relations)

The six regional bureaus (territorial representatives) of the Department for Interethnic Relations (DIR) - functioning in Cluj, Constanța, Harghita, Mehedinți, Suceava and Timiș counties, have the responsibility to cover larger multi-ethnic areas (6-7 counties per person/ bureau). They will continue to communicate and maintain relations with institutional partners and NGOs in their areas of competence.

As for the *recommendation referring to the support given by the authorities to national minority organisations*, we reiterate that the Government Decision no. 141/ 2004 was operational only for the budgetary year 2004. Funds from the state budget were allocated every year – through similar legal acts - to the national minority NGOs and other NGOs active in the field of minority protection and interethnic relations, through two distinct mechanisms:

A. funds directly allocated to the 19 organisations of the 20 national minorities in Romania; all these organizations are members of the Council of National Minorities;
B. funds allocated for interethnic projects and programs initiated by the DIR or by different NGOs that apply for non-reimbursable funds; every year the DIR issues an open call for proposals targeting exclusively such projects (at least half of the budget B is spent every year for non-reimbursable funds).

We reiterate the Government Decisions establishing the annual total budgets of the DIR, including the two lines, between 2006–2014 in the list below:

2006: G.D. no. 122/2006 included the following provisions:

- A. 36.380.000 lei for the organizations member of the Council of National Minorities (CNM);
- B. 2.500.000 lei for interethnic projects organized/supported by the DIR.

2006: G.D. no. 611/2006

- B. 1.000.000 lei - supplementary budget for the DIR interethnic projects

2007: G.D. no. 99/2007

- A. 49.659.000 lei to the CNM (national minorities);
- B. 4.000.000 lei for the interethnic projects of the DIR.

2008: G.D. no. 103/2008

- A. 65.700.000 lei to the CNM (national minorities);
- B. 4.000.000 lei for the interethnic projects of the DIR.

2009: G.D. no. 396/2009

- A. 70.000.000 lei CNM (national minorities);
- B. 3.880.000 lei for the interethnic projects of the DIR.

2010: G.D. no. 100/2010

- A. 70.000.000 lei CNM (national minorities);
- B. 3.880.000 lei for the interethnic projects of the DIR.

2011: G.D. no. 56/2011

- A. 73.710.000 lei CNM (national minorities);
- B. 3.000.000 lei for the interethnic projects of the DIR.

2012: G.D. no. 31/ 2012

- A. 79.200.000 lei CNM (national minorities);
- B. 3.800.000 lei for the interethnic projects of the DIR.

2013: G.D. no. 111/2013

- A. 83.160.000 lei CNM (national minorities);

- B. 3.800.000 lei for the interethnic projects of the DIR.

2014: a total amount of 89.600.000 lei was established through the budget law; a Government Decision is to be approved by the Government in order to distribute these funds as follows:

- A. 85.685.000 lei for CNM (national minorities);

- B. 3.915.000 lei for the inter-ethnic projects of the DIR.[7]

Due to the economic and financial crisis, the financial resources of the DIR aiming at sustaining NGOs initiatives remained limited. Nevertheless, the number of the beneficiary NGOs has increased from approximately 30 NGOs in 2006, to approximately 60 in 2013.

Discrimination in Various Fields

- Paragraphs 82 and 84

The provisions of Articles 2 and 3 of the Law on National Education, paras. a), g), i), j, which together **ensure non-discrimination and non-segregation in schools**, are affirmed for all levels of education, i.e., the pre-university and university education and for the long life education level.

Thus, the Law on National Education (Law no. 1/2011, entered into force in January 2011), stipulates the following:

"Article 2 - (4) The State ensures Romanian citizens with equal access to all levels and forms of education and higher education and lifelong learning without any form of discrimination.

Article 3 - Principles governing schools and higher education and lifelong learning in Romania are:
a) the principle of equity - under which the access to learning is done without discrimination;
b) (...);
c) (...);
d) (...);
e) (...);
f) (...);
g) the principle of guaranteeing to all citizens Romanian cultural identity and intercultural dialogue;
h) (...);
i) recognition principle and guarantee the rights of persons belonging to national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious;
j) ensure the principle of equality;
k) (...);
l) (...);
m) (...);
n) (...);
a) the principle of social inclusion;
P) (...);
q) (...);
r) (...);
s) (...);

[7] The official exchange rate (site of the National Bank of Romania http://www.bnro.ro/Home.aspx) for the years in question was as follows: 2006 – 1 EUR = 3,5397 lei; 2007 – 1 EUR = 3.3726; 2008 – 1 EUR = 3.6578; 2009 - 1 EUR = 4.2284; 2010 – 1 EUR = 4.1094; 2011 – 1 EUR = 4.1298; 2012 – 1 EUR = 4.4505; 2013 – 4.5340; 2014 – 1 EUR = 4.4589.

t) (…);
u) (…);

We also underline that the principle of non-discrimination for all levels of education (the pre-university and university education and for the long life education level) was affirmed in all Romanian laws on education after the year of 1989.

IV. Climate of Opinion and Racism in Public Discourse

- Paragraph 94

With regard to this paragraph, we stress that politicians are sanctioned for displaying racism and discrimination according to domestic law in the field, which applies equally to all persons.

- Paragraph 110

The Government aims to continue the implementation of the measures taken related to the social inclusion of the citizens belonging to Roma minority, including by facilitating the dialogue between the competent institutions from Romania and the European partners, but also with the civil society.

In 2013, the consulting process was initiated in order to review the *Strategy of the Government of Romania for the inclusion of the Romanian citizens belonging to Roma minority for 2012-2020,* with the involvement of the public administration authorities, the Roma representatives and the civil society. The Strategy shall be modified, adapted and completed with guiding action plans and sectorial measures for 2014-2020, based on the results and formulated recommendations during the monitoring and evaluation process. Also, the improvement of the monitoring and evaluating mechanism of the Strategy is taken into consideration.

V. Vulnerable/Target Groups

- Paragraph 131

The decision to treat Roma pregnant women in separate wards was only met in **isolated cases** and it was taken after an evaluation of the specific conditions of the case (hygiene aspects), and related to the *refusal of the medical treatment*.

In this context, one notes that the majority of the Roma patients are not insured in the health system (as they do not contribute to the insurance scheme), but they benefit of those medical health services included in the minimum health services package provided by the State without taking into account the statute of the patient (insured or uninsured).

- Paragraph 140

Continuing the process for the identification of the persons without civil status certificates and identification documents for the registration in the documents of civil status and with a view to procuring civil status certificates and identity papers is a primary goal of the Ministry of Internal Affairs, provided by the *Government Decision no. 1221/2011 for the approval of the Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority for the period 2012 – 2020*. However, please note that the Romanian legislation for persons' records and civil registration contains rules in accordance with *Law no. 677/2001 for*

the protection of individuals with regard to the processing of personal data and on the free movement of such data, with subsequent amendments, providing that the processing of data on ethnic origin of persons is prohibited.

In this context, on the recommendation contained in paragraph 140 of the draft report regarding the study in order to assess how many persons of Roma origin lack identity documents, we consider that these persons can be identified only when they relate to public authorities. Moreover, statistical data that could be obtained through this study will not reflect the real number of citizens of Roma origin, as declaring ethnic affiliation remains a personal choice. In this respect, we believe that such a study may only reveal the number of persons of Roma origin lacking civil status papers and identification documents who have obtained these documents.

- Paragraph 143

Concerning the reference regarding the fact that any provision of the law which hinders in practice Roma's access to social housing should be abrogated, we mention the following:

According to Article 2 letter c) of the Law on Housing no. 114/1996, with its subsequent amendments, a social house is a house that is being given with a subsidy rent to individuals or families, who, because of their economic status, cannot buy or rent a house in the market terms.

According to Article 38 of the aforementioned Law, constructing social houses is allowed in any region, on foreseen placements in the urban documentation and according to the present law. Creating a fund of social housing is possible by constructing new buildings and by rehabilitating the existent ones. Local councils control the fund of social housing situated on the territory of those territorial-administrative units. In the same time, Article 39 of the Law states that social houses belong to the public field of the territorial-administrative units.

Article 42 of the same law states that the access to social houses, for renting, is permitted for families or individuals with an average monthly income per person below the average net monthly income per total economy, considering the last 12 months, and communicated by the National Institute of Statistics in the last statistical Bulletin previous to the month in which the request is being analysed, as well as previous to the month in which the house is being allocated.

According to the Article 43 of the law, social houses are allocated by local public administration authorities that administrate them based on the annually established criteria, in the terms of the provisions of the present chapter, and it can bring benefits to the following, in the priority order established by law:

- Evicted individuals or families or those who are about to be evicted from the houses that returned to their former owner;
- Young people under 35 years;
- Young people coming from social care institutions that turned 18, disabled people of 1st and 2nd degree , retired, veterans and war widows;
- Beneficiaries of the provisions of the Law of gratitude towards the martyr-heroes and fighters that contributed to the victory of the Romanian Revolution in December 1989, as well as towards those who gave their life or got injured after the anti-communist

working-class revolt in Braşov city, November 1987 no. 341/2004, with its subsequent amendments and the beneficiaries of the Degree-Law no. 118/1990, republished and with its subsequent amendments regarding the rights given to those who were persecuted for political reasons by the established dictatorship starting with the 6th of March, 1945, as well as to those who were deported or made prisoners;
- Other entitled individuals or families.

- Paragraph 144

The mention concerning the hospitalisation of 22 children and 2 adults in the municipalities of Baia Mare and Cluj-Napoca as a result of the exposure to dangerous substances concerns a case in which there was no clear evidence (as it is also shown in the draft report).

Thus, in our view, this case should not be included in the report since it may create a false image of the situation in Baia Mare and Cluj Napoca and also of the measures taken by public authorities in Romania in order to achieve a higher inclusion of the citizens belonging to Roma minority.

- Paragraph 152

At the level of the General Inspectorate of the Romanian Police, the Advisory Committee on the relation between the police and the Roma minority was established in 2006.

Specific activities: there are regular committee meetings which have as main duties: the analysis of the special cases of police intervention in the Roma communities, drafting recommendations on the organizing and performing these kind of actions, dissemination of best practices in the relation between the police and the Roma minority.

Coordination of Committee activities is carried out by the General Inspector of Romanian Police. During the reunions are discussed topics such as: the analysis of special cases of police intervention within Roma communities, identification of solutions for improving the institutional response as a result of the running actions, events reported by the attachés of the Ministry of Home Affairs on the status of Roma individuals located in the EU member States etc. At these reunions both committees' members and representatives of the governmental bodies and NGO's who work in the field of Roma minority take part.

- Paragraph 154, footnote 101

In the case dated 31 May 2012, the Prosecutor's Office attached to the Bucharest District Court issued a decision of not sending before the court, decision which remained final.

- Paragraphs 155-162 (Jewish community)

The Ministry of Foreign Affairs is about to conclude a new memorandum of understanding with the United States Holocaust Memorial Museum, an independent establishment of the United States Government, regarding the preservation and study of documents relevant for the activity of the museum. The purpose of this memorandum of understanding is to advance and disseminate knowledge about the unprecedented tragedy of the Holocaust, to preserve the memory of those who suffered and to encourage individuals to reflect upon the moral questions raised by the events of Holocaust.

- Paragraph 165

According to the State Secretariat for Religious Denominations, Law no. 489/2006 cannot be amended in order to oblige a religious denomination to accept, in a cemetery owned by that religious denomination, the specific burial rite for a member of any other religious denomination, whereas this would prejudice the right of private property.

- Paragraphs 166-170 (Hungarian community)

We underline that Romania has a clear legal system, which must be observed by all citizens of Romania (as in any rule of law system). The legislation regulating the hoist of flags and local symbols clearly state that in public spaces only logos and signs of the local authorities issued according to the law can be used next to the State symbols. Other kind of symbols, including the symbols of the national minorities, can be used in private spaces.

It must be stressed that "Ţinutul Secuiesc" is not an administrative-territorial unit according to the Romanian legislation and, thus, one cannot speak about *a right* of this region to use its symbols in public.

The report compares the reaction of state authorities in two situations both dealing with the use of national symbols, but while the first case concerns the hoist of the Szekeler flag on a public building, the second one concerns the wearing of the national symbols as a private decision.

It should be clearly reflected in the report that the Romanian legislation contains strict rules concerning the use in public spaces and on public buildings of the national symbols, while it contains no restriction whatsoever on the use of the national symbols in private.

Therefore, it would have been more appropriate to compare the second situation -of the wearing of the headband- with similar situations (including public gatherings of the Hungarian minority, the most recent one being the Great Szekeler March), when the national symbols of the Hungarian minority were worn in private circumstances without any restriction on the part of the authorities.

- Paragraphs 171-182 (Asylum Seekers and Refugees)

With regard to paragraph 173, we stress the following: the Government program integration length is a maximum of 1 year and for the persons included in the category of vulnerable cases it may be extended up to the cessation of the vulnerability.

The persons included in the integration governmental program can benefit from accommodation in the General Inspectorate for Immigration (GII) Regional Centres.

Within the GII functions the Asylum and Integration Directorate, whose duties include the *monitoring of the integration programs implemented* in the Regional Centres of GII and the coordination of state institutions and NGOs active in the field of integration.

With reference to paragraph 182, Romania underlines the following: Law no. 122/2006, as amended, stipulates that the asylum application shall be lodged as soon as:

- the applicant appears in person at the border control point in order to cross the state's border;

- the applicant enters the territory of Romania;

- events have occurred in the applicant's country of origin that force him or her to apply for protection, in case of aliens who enjoy the right to stay in Romania.

In spite of this fact, the competent authorities shall not refuse the reception of the asylum application due to the fact that it has been lodged late.

The time when the asylum application is lodged is relevant to the assessment of the applicability of the good-faith assumption (or the benefit of the doubt). Hence, according to Article 15 of Law no. 122/2006, „When part or all the alleged reasons of the asylum application, which would justify the granting of a form of protection, are not proved by documents or other proofs, the good will presumption is granted if the following requirements are met cumulatively:

a) the applicant has made all the efforts in order to uphold her or his asylum application;

b) all relevant elements, which are at the disposal of the applicant, have been communicated to her or him, and the lack of such elements has been reasonably justified;

c) the applicant's statements are considered coherent and plausible and they do not run counter to the information from the country of origin for her or his case;

d) *the applicant has lodge her or his application as soon as possible, and the eventual delay is justified by well-grounded reasons*;

e) the general credibility of the applicant has been established."

The *time limits to appeal the negative decisions* are stated according to different types of procedures (ordinary procedure, accelerated procedure, border procedure, subsequent claim procedure, cessation/cancellation procedure, procedure for establishing the Member State responsible for the examination of the asylum claim, procedure on the transfer of responsibility for the refugee status, family reunification procedure).

Several times, *the Constitutional Court held in its relevant case law* on claims of potential breaches of the Romanian Constitution by Government Ordinance no. 122/2000 on the regime of refugees in Romania and later by Law no. 122/2006 on the asylum in Romania, which repealed the former, *that "the time limits to appeal the negative decisions are consistent with the Constitution and obligations that can be drawn from the European Convention on Human Rights."*

Regarding the particular situation of the Myanmar refugees in Romania, the refugees in question received financial support for a period of 9 months as provided for in domestic legislation for all persons in such situation. A number of supplementary measures have been taken or offered to the members of the group. They were informed of the assistance available not only from the central government institutions, but also by means of complementary activities undertaken within projects financed by the European Integration Fund, UNHCR Romania and local NGOs (Romanian language courses, counselling and support in order to access labour market, job training, meetings with potential employers etc.). Despite these

measures, this group of refugees showed little interest in obtaining employment, even declining the legal procedure regarding the signing of the documents related to the accommodation, assistance asset and registering in the integration programme. They also showed little or no interest in the Romanian language courses offered with a view to assisting integration and access to employment. Moreover, the Romanian authorities have pointed out that efforts were also made to diversify the job opportunities to which the Myanmar refugees could have had access. They also decided to pursue integration into the local labour market. The efforts included job-offers paying a couple of times the minimum wage but they were declined by the members of the group, who claimed that their goal was to be resettled in other countries. Despite the lack of interest towards integration in the Romanian society, the national authorities continue to provide assistance to this category of refugees (these measures continue to include financial support, free accommodation and medical care and support in view of accessing jobs).

VII. Conduct of Law-Enforcement Officials

- Paragraph 191

Between the periods 2006-2010 and 2011-2013, the number of places for persons of Roma origin within police academies grew constantly.

At present, the number of persons of Roma origin activating within the structures of the Ministry of Internal Affairs is that of 210.

VIII. Education and Awareness Raising

- Paragraphs 194 and 195

In relation to the statements comprised in these paragraphs, according to which ECRI recommends the inclusion topics relative to the history of minorities within the history compulsory courses, we specify that, at present, such aspects are encompassed as follows:

- The 4th grade (primary education level), within the curriculum approved by the **Decree of the Ministry of Education and Research no 3919/20.04.2005**, chapter *Present and Tradition and of Nations* comprises the content entitled Romanians, Hungarians, Germans, Russians, Serbians, Bulgarians, Roma, where there are topics regarding the mutual influences, traditions, customs, celebrations, communities of minorities on the present territory of Romania;
- The 7th grade (secondary education level) within the curriculum approved by the **Decree of the Ministry of Education, Research and Innovation no 5097/09.09.2009,** the chapter entitled *The Second World War* encloses historical terms, concepts, themes for discussion such as “forced labor camps”, “extermination camp”, “Holocaust”;
- The 8th grade (secondary education level) within the curriculum approved by the **Decree of the Ministry of Education, Research and Innovation no 5097/09.09.2009,** the chapter entitled *The Medieval Culture in the Romanian Area*, encloses the content entitled The Romanian Lands – A Multicultural Environment, as well as the chapter entitled Romania Between Democracy and Authoritarianism comprises the study case *The Tragedy of Jewish and Roma People in the period 1938-1944.*
- The 12th grade (high school education level) within the curriculum approved by the **Decree of Ministry of Education and Research no. 5959/22.12.2006**, the

field People, Society and the World of Ideas includes the content entitled *Cultural Policies and the From Abroad. Ethnic and Confessional Diversity Alongside the Public Policies Solutions in Modern Romania. National Minorities in Romania of the the XXth Century*.

In addition to the previous aspects, we specify that there is also a compulsory common core curriculum regarding the History and the Traditions of Roma People in Romania for the 6th and the 7th grades, addressed to the Roma classes, approved by the Decree of the Ministry of Education and Research no 3249/14.02.2005, together with a curriculum for an optional course entitled The History of Minorities in Romania, supplemented by an approved textbook.

Also, we reiterate the contribution of the Department for Inter-ethnic Relations in elaborating, publishing and distributing in schools the first volume to be used by teachers for the new subject History *of National Minorities* (optional subject for the high-school level).

The History of National Minorities was published in December 2008, after two years work of a multicultural team, conducted by professors at the Bucharest University. The project was the result of a multiple partnership - "Divers" Association of Târgu Mureş, the Department for Interethnic Relations, the Ministry of Education and the Institute for Educational Sciences. The material consisted in a book and a CD. It was the first guide in Romania on the history of national minorities, in Romanian language, with addressability to the general public and especially to the pupils, students and teachers.

It is worth noting that the authors did not wish the material to be structured as a series of chapters describing each minority. The development of the book was itself an intercultural exercise, conducted around the following integrative themes: origin and settlement of minorities in Romania; identity elements of the minorities; history and development of relations with other minority communities; contribution to general and local heritage; mutual perceptions in the collective imaginary. Analysis of the elements which constitute the cultural identity of minorities in Romania was considered as a contribution to understanding, dialogue and positive valuing of Romanian cultural diversity by the young generation.