European Commission against Racism and Intolerance

ECRI

Commission européenne contre le racisme et l'intolérance

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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] Any developments which occurred after 12 September 2016, 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.

ECRI Secretariat
Directorate General II - Democracy
Council of Europe
F-67075 STRASBOURG Cedex
Tel.: +33 (0) 390 21 46 62
E-mail: ecri@coe.int

www.coe.int/ecri

## FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007[1], 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 recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

[1] CM/Del/Dec(2007)986/4.1.

*1. In its report on Romania (fourth monitoring cycle) published on 3 June 2014, ECRI recommended that the authorities conduct campaigns informing the general public about the criminal law provisions concerning the fight against racism and that information is provided to victims on the bodies which are competent to provide assistance and/or redress.*

ECRI notes that the Action Plan for the implementation of the Judicial Strategy (2015-2020) contains measures aiming to increasing the awareness of the general public, particularly vulnerable groups, in order to guarantee access to justice.

With regard to the first part of the recommendation, ECRI has been informed that the Superior Council of Magistracy has disseminated information on the existing criminal law provisions via its website. Furthermore, from 2014 to 2016, the National Council for Combatting Discrimination and the National Institute of Magistracy ran a project to strengthen anti-discriminatory measures at national level, which involved different participants such as teachers, police officers and school inspectors, as well as the judiciary. Similarly, various training activities on anti-discrimination legislation, including issues of racial discrimination, have been provided to civil servants.

ECRI takes positive note that various steps have been taken, particularly through separate projects, in order to inform victims about access to assistance and/or redress, which constitutes the second part of the recommendation. ECRI was informed that, among others, there is a section[1] on the website of the Ministry of Justice devoted to victims' rights and five pilot centres[2] have been set up to provide free legal counselling. More than 400 information booklets were also produced in the Romani language for Roma citizens in police custody.

While these initiatives seem to have helped enhance the application of anti-discrimination measures, ECRI observes that their target groups have been limited to certain occupations and that no specific awareness-raising campaign focusing on the public at large has taken place. ECRI, therefore, considers that its recommendation has been partially implemented.

*2. In its report on the Romania (fourth monitoring cycle), ECRI recommended that the authorities devise a comprehensive data collection system on the application of criminal law provisions against racism and racial discrimination. Such a system should record the number of investigations opened by the police, the cases referred to the prosecutor, the number of cases pending before court and their final decisions, broken down per reference year and per relevant criminal law provision.*

ECRI has been informed by the Romanian authorities that in April 2015, a new module was introduced within the Electronic Court Record Information System (ECRIS) which generates data on the basis of "hate motivation deed" pursuant to Article 77 (h) of the Criminal Code on aggravating circumstance. This data set was further enhanced by creating a sub-category on "anti-Semitic deed" in the same year. ECRI is pleased to note that, in view of ECRI's recommendation, the Romanian authorities plan to upgrade the technical capacity of ECRIS in order to merge data from different administrative bodies, as part of the administrative capacity-building operational programme 2014-2020.

ECRI considers that the above-mentioned measures signify progress but there is still no comprehensive data collection system available on the application of criminal law provisions against racism and racial discrimination, as recommended. ECRI, therefore, concludes that its recommendation has been partially implemented.

[1] http://www.just.ro/drepturile-victimelor-infractiunilor/
[2] In the scope of the project on "Improving access to justice for Roma and other vulnerable groups (2014-2016)"

*3. In its report on Romania (fourth monitoring cycle), ECRI recommended that the authorities ensure that sufficient funds are allocated and a strong impetus is given to the Strategy for Improving the Situation of the Roma; to ensure coordination between the ministries; and to guarantee the accountability of the local authorities to the central authorities in implementing the Strategy.*

ECRI notes that the Romanian authorities have taken several steps with regard to this recommendation. ECRI was informed that the National Agency for Roma (NAR), which is in charge of funding local projects for the implementation of the National Roma Inclusion Strategy (NRIS), has an annual budget of 500 000 euros. Besides, other state bodies such as the National Council for Combatting Discrimination, the Ministry of Health, the Ministry of Regional Development and Public Administration, the National Agency for Cadastre and Property Publicity have been implementing different aspects of the NRIS, such as health care, social inclusion and housing, through various projects financed by their respective budgets or by international donors. Furthermore, the authorities informed ECRI that an Inter-Ministerial Committee, that involves all central institutions, was set up within the Ministry of European Funds in September 2015 and that the NRIS has been coordinated through this Committee since then. ECRI commends these initiatives in an effort to ensure sufficient funds as well as to give impetus to the NRIS and considers that this part of the recommendation has been implemented.

However, ECRI observes that there is no mechanism in place that guarantees the accountability of local authorities to the central authorities in implementing the NRIS. While ECRI was informed about the project currently run by the National Contact Point for Roma (NCPR) that involves constant dialogue with the local authorities, this appears to be, overall, largely localised and limited to the reach of time-bound project activities. Similarly, the visits of the State Secretary of the Ministry of European Funds to the Roma communities, where he meets local authorities, seem random and solely aim to monitor progress in implementing the NRIS, which lacks an institutionalised approach to accountability between central and local authorities. In view of these considerations, ECRI concludes that its recommendation has not yet been fully implemented.